

Kurt Abron#K-82005
CSP-Solano
Bldg#21-J-6-U
P.O. Box 4000
Vacaville, Ca 95696-4000



In Pro. Per.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SI

EV 08

2857

KURT ABRON

Petitioner

E-filing

-v-

NOTICE OF LODGEMENT OF
EXHIBITS IN SUPPORT OF
PETITIONER'S WRIT OF
HABEAS CORPUS

(PR)

D.J. SISTO

Warden

Petitioner Kurt Abron, submits the following exhibits for lodgement in support of his Writ for Habeas Corpus. Petitioner request that this Court take Judicial Notice pursuant to **Federal Rules of Evidence**, on all exhibits herin attached.

EXHIBITS

- (1.) List of Certificates
- (2.) Housing and Employment Opportunities
- (3.) Calculation Worksheet
- (4.) Transcript of Parole Board Hearing(April 19,2007)

Dated June 3, 2008

Signed Kurt F. Abron
Kurt F. Abron

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

**INMATE
COPY**

In the matter of the Life)
Term Parole Consideration)
Hearing of:) CDC Number K-82005
KURT ABRON)
_____)

CALIFORNIA STATE PRISON, SOLANO

VACAVILLE, CALIFORNIA

APRIL 19, 2007

8:34 A.M.

PANEL PRESENT:

Mr. Archie 'Joe' Biggers, Presiding Commissioner
Mr. Robert Harmon, Deputy Commissioner

OTHERS PRESENT:

Mr. Kurt Abron, Inmate
Mr. Mark Norton, Attorney for Inmate
Ms. Heather Trevisan, Deputy District Attorney
Correctional Officer Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No See Review of Hearing
_____ Yes Transcript Memorandum

Robert Devon Bell
Northern California Court Reporters

INDEX

	<u>PAGE</u>
Proceedings	1
Case Factors	12
Pre-Commitment Factors	30
Post-Commitment Factors	39
Parole Plans	64
Closing Statements	88
Recess.....	102
Decision	103
Adjournment	114
Transcriber Certification	115

--oOo--

1 P R O C E E D I N G S

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 This is a subsequent parole consideration hearing
4 for Mr. Kurt Abron.

5 **INMATE ABRON:** Abron, yes.

6 **PRESIDING COMMISSIONER BIGGERS:** Abron.

7 And that's spelled A-B-R-O-N?

8 **INMATE ABRON:** Yes.

9 **PRESIDING COMMISSIONER BIGGERS:** CDC
10 number is K-82005. Today's date is April the
11 19th, 2007. The time is 8:34, and we are located
12 at the California State Prison, Solano. The
13 inmate was received on January the 27th, 1998
14 from San Francisco County. The life term began
15 on January the 27th, 1998, and the minimum
16 eligible parole date was June the 10th, 2006.
17 Controlling offense for which the inmate has been
18 committed is murder second degree. Case number
19 is 159989. And it was one count, and that's a
20 violation of the Penal Code 187. Inmate received
21 a term of 15 years to life with a minimum
22 eligible parole date of June the 10th, 2004. Now
23 Mr. Abron, this hearing is being tape recorded.
24 And for the purpose of voice identification, each
25 of us will state our first and last name,
26 spelling our last name. When it's your turn,
27 after spelling your last name, please give us

1 your CDC number. I will start and move to my
2 left. My name is Archie 'Joe' Biggers,
3 B-I-G-G-E-R-S, and I'm a commissioner with the
4 Board of Parole Hearings.

5 **DEPUTY COMMISSIONER HARMON:** Robert
6 Harmon, H-A-R-M-O-N, deputy commissioner.

7 **INMATE ABRON:** My name is Kurt Abron,
8 A-B-R-O-N.

9 **PRESIDING COMMISSIONER BIGGERS:** CDC
10 number.

11 **INMATE ABRON:** CDC number K-82005.

12 **ATTORNEY NORTON:** Mark Norton,
13 N-O-R-T-O-N, attorney for Mr. --

14 **DEPUTY DISTRICT ATTORNEY TREVISAN:**
15 Heather Trevisan, T-R-E-V-I-S-A-N, San Francisco
16 district attorney's office.

17 **PRESIDING COMMISSIONER BIGGERS:** All
18 right. Thank you very much. Note for the record
19 also that we do a correctional officer present
20 who is here for security purposes only, who will
21 not be participating in the hearing. Before we
22 begin, there should be an ADA statement right in
23 front of you. Would you please read that out
24 loud for us, Mr. Abron.

25 **ATTORNEY NORTON:** Actually, there's not,
26 Commissioner, an ADA statement over here.

27 **INMATE ABRON:** "The Americans with

1 Disabilities Act, ADA, is a law to
2 help people with disabilities.
3 Disabilities are problems that make
4 it harder for some people to see,
5 hear, breathe, talk, walk, learn,
6 think, work, or take care of
7 themselves than it is for others.
8 Nobody can be kept out of public
9 places or activities because of a
10 disability. If you have a
11 disability, you have the right to
12 ask for help to get ready for your
13 BPT hearing, get to the hearing,
14 talk, read forms and papers, and
15 understand the hearing process.
16 BPT will look at what you asked for
17 to make sure that you have a
18 disability that is covered by the
19 ADA and that you have asked for the
20 right kind of help. If you do not
21 get help, or you do not think that
22 you got the kind of help that you
23 need, ask for a BPT 1074 grievance
24 form. You can also get help to
25 fill it out."

26 **PRESIDING COMMISSIONER BIGGERS:** Okay,
27 sir. And do you understand what you just read?

1 **INMATE ABRON:** Yes, I do.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay. I
3 see that you signed a BPT form 1073 on October
4 the 20th, 2006, indicating that you have no
5 disabilities that have been identified with the
6 Americans with Disabilities Act; is that correct?

7 **INMATE ABRON:** Yes, sir.

8 **PRESIDING COMMISSIONER BIGGERS:** The
9 information is still correct on there?

10 **INMATE ABRON:** Yes, sir.

11 **PRESIDING COMMISSIONER BIGGERS:** Okay.

12 Did you have any problems walking over here
13 today, or walking up and down stairs?

14 **INMATE ABRON:** No, I didn't.

15 **PRESIDING COMMISSIONER BIGGERS:** Do you
16 -- I see you wear glasses.

17 **INMATE ABRON:** Reading glasses, yes.

18 **PRESIDING COMMISSIONER BIGGERS:** Reading
19 glasses. Okay. Do you need any other device to
20 assist you with your reading glasses in reading
21 anything?

22 **INMATE ABRON:** No, I don't.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.

24 Did you have any hearing impairments?

25 **INMATE ABRON:** No, I don't.

26 **PRESIDING COMMISSIONER BIGGERS:** Have you
27 ever been included in triple CMS or EOP programs?

1 **INMATE ABRON:** No, I haven't.

2 **PRESIDING COMMISSIONER BIGGERS:** Do you
3 know what those are?

4 **INMATE ABRON:** The programs where you
5 take the medication. Yes.

6 **PRESIDING COMMISSIONER BIGGERS:** Well,
7 they are for people that have mental health
8 issues, that need some psychotropic medication.

9 **INMATE ABRON:** No, I'm not involved in
10 that.

11 **PRESIDING COMMISSIONER BIGGERS:** Okay.
12 Have you ever taken any psychotropic medication,
13 either on the streets or here in prison?

14 **INMATE ABRON:** No, I haven't.

15 **PRESIDING COMMISSIONER BIGGERS:** How far
16 did you get in school on the streets?

17 **INMATE ABRON:** On the streets, I got up
18 to the community college level.

19 **PRESIDING COMMISSIONER BIGGERS:**
20 Community college level.

21 **INMATE ABRON:** Yes.

22 **PRESIDING COMMISSIONER BIGGERS:** I see
23 that. San Francisco City College, wasn't it?

24 **INMATE ABRON:** Yes.

25 **PRESIDING COMMISSIONER BIGGERS:** Do you
26 suffer from any disability that would prevent you
27 from participating in today's hearing?

1 **INMATE ABRON:** No, I don't.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 At this point I'm going to ask your attorney,
4 Mr. Norton, do you feel that your client's ADA
5 rights have been met, sir?

6 **ATTORNEY NORTON:** I do.

7 **PRESIDING COMMISSIONER BIGGERS:** This
8 hearing is being conducted pursuant to the Penal
9 Code sections 3041 and 3042 and the rules and
10 regulations of the Board of Prison Terms
11 governing parole consideration hearings for life
12 inmates. The purpose of today's hearing is to
13 once again consider the number and the nature of
14 the crimes you were committed for, your prior
15 criminal and social history, and your behavior
16 and programming since your commitment. Now, we
17 have had the opportunity to review your central
18 file and your prior transcript, and you will be
19 given the opportunity to correct or clarify the
20 record. We will reach a decision today and
21 inform you whether or not we find you suitable
22 for parole and the reason for our decision. If
23 you are found suitable for parole, the length of
24 your confinement will be explained to you. Now,
25 nothing that happens here today is going to
26 change the findings of the court. This Panel is
27 not here to retry your case. This Panel is here

1 for the sole purpose of determining your
2 suitability for parole. Do you understand that,
3 sir?

4 **INMATE ABRON:** Yes, I do.

5 **PRESIDING COMMISSIONER BIGGERS:** The
6 hearing is going to be conducted in three phases.
7 I will discuss with you about the crime you were
8 committed for, your prior criminal and social
9 history. Deputy Commissioner Harmon will then go
10 over your post conviction factors, to include
11 your parole plans. Then I will come back and
12 talk about any letters of opposition that may be
13 in your file. Deputy Commissioner Harmon -- let
14 me clarify it. Deputy Commissioner Harmon will
15 also go through your support letters, as well.
16 Once that is concluded, the commissioner, the
17 district attorney, and your attorney will be
18 given the opportunity to ask you questions.
19 Questions from the district attorney shall be
20 asked through the chair, and you will direct your
21 answers to the Panel. Next the district
22 attorney, then your attorney, then you, will be
23 given the opportunity to make a final statement
24 regarding your parole suitability. Your
25 statement should address why you feel you are
26 suitable for parole. At the conclusion of your
27 statement, the Panel will then recess, clear the

1 room, and deliberate. Once the deliberations are
2 complete, the Panel will resume the hearing and
3 announce its decision. Now the California Code
4 of Regulations states that regardless of time
5 served, a life inmate shall be found unsuitable
6 for and denied parole if in the judgment of the
7 Panel the inmate would pose an unreasonable risk
8 of danger to society if released from prison.
9 Now, you have certain rights. Those rights
10 include the right to a timely notice of this
11 hearing, the right to review your central file --
12 and I see that you declined to review your
13 central file on October the 20th of 2006. Why
14 did you do that?

15 **INMATE ABRON:** Declined to review my
16 central file?

17 **PRESIDING COMMISSIONER BIGGERS:** Yes.

18 **INMATE ABRON:** It wasn't anything new in
19 there.

20 **PRESIDING COMMISSIONER BIGGERS:** How do
21 you know?

22 **INMATE ABRON:** Well, my counselor -- I
23 asked my counselor, and she said there hasn't
24 been any additional put in there.

25 **PRESIDING COMMISSIONER BIGGERS:** Well,
26 the problem you have with that, sir, is whenever
27 you get the opportunity to do an Olson review,

1 you should do it. Because a lot of paperwork
2 goes through these institutions.

3 **INMATE ABRON:** Yes.

4 **PRESIDING COMMISSIONER BIGGERS:** And
5 anything could have been placed in there without
6 even the counselor knowing about it. So I would
7 encourage you -- you have the right to refuse.

8 **INMATE ABRON:** Okay.

9 **PRESIDING COMMISSIONER BIGGERS:** But I'm
10 just encouraging you to always -- if you don't
11 get a date today, then you need to really look at
12 that.

13 **INMATE ABRON:** Thank you.

14 **PRESIDING COMMISSIONER BIGGERS:** Okay.
15 You also have the right to present relevant
16 documents, and I'll be asking for those documents
17 very shortly. At this point, then, I'm going to
18 ask Mr. Norton, does he feel that your rights
19 have been met?

20 **ATTORNEY NORTON:** Yes, I do.

21 **PRESIDING COMMISSIONER BIGGERS:** Okay.
22 Thank you. You have an additional right to be
23 heard by an impartial Panel. Do you have any
24 objections to the Panel members, sir?

25 **INMATE ABRON:** No, I don't.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay.
27 Mr. Norton?

1 **ATTORNEY NORTON:** No.

2 **PRESIDING COMMISSIONER BIGGERS:** I need
3 to make sure that you understand that you are not
4 required to admit your offense or discuss your
5 offense if you desire not to do so, and this
6 Panel cannot hold that against you. However, the
7 Panel does accept the finding of the court to be
8 true. Do you understand that?

9 **INMATE ABRON:** Yes, I do.

10 **PRESIDING COMMISSIONER BIGGERS:** Okay.
11 I'm going to ask Deputy Commissioner Harmon if
12 any confidential material will be used.

13 **DEPUTY COMMISSIONER HARMON:** It's kind of
14 like a yes and a no. No, we will not be
15 utilizing the file in the sense of anything other
16 than there are partial pictures of the crime
17 scene that were somehow inadvertently placed into
18 the confidential tile. I've ask the DA that they
19 resubmit that, or at least request that they be
20 placed in the central file. There's no reason
21 that counsel can't review those documents if
22 necessary. But no other information will be
23 utilized in today's hearing. Thank you.

24 **PRESIDING COMMISSIONER BIGGERS:** Thank
25 you. I'm going to pass to your attorney, as well
26 as to the district attorney, what I have marked
27 as Exhibit 1, which is -- it's a life prisoner

1 parole consideration hearing checklist to ensure
2 that we are all operating on the same set of
3 documents.

4 **ATTORNEY NORTON:** Yes, I do have these
5 documents. I have initialed and dated.

6 **PRESIDING COMMISSIONER BIGGERS:** Thank
7 you.

8 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Thank
9 you.

10 **PRESIDING COMMISSIONER BIGGERS:** Okay.
11 Let the record reflect that both attorneys have
12 all the documents. Are there any additional
13 documents to be submitted?

14 **ATTORNEY NORTON:** Yes, there are. I
15 don't know if the district attorney got one of
16 these or not. I have an extra for -- and this
17 one is for the Board. It's -- some of this stuff
18 is in the Board packet. But there are other
19 documents in here that Mr. Abron has tagged,
20 because I believe it is relevant information in
21 regard to his version of what happened. So I
22 will pass that to the Panel. And I also give the
23 district attorney -- did you have a copy of that?

24 **DEPUTY DISTRICT ATTORNEY TREVISAN:** No.

25 **PRESIDING COMMISSIONER BIGGERS:** Okay.
26 We will go through that at the appropriate time.

27 **ATTORNEY NORTON:** Thank you very much.

1 **PRESIDING COMMISSIONER BIGGERS:** All

2 right. Any preliminary objections?

3 **ATTORNEY NORTON:** No, there are none.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay.

5 Will the inmate be speaking to the Panel?

6 **ATTORNEY NORTON:** He will.

7 **PRESIDING COMMISSIONER BIGGERS:** Okay.

8 Sir, if you will, will you please raise your
9 right hand. Do you solemnly swear or affirm that
10 the testimony you give at this hearing will be
11 the truth and nothing but the truth?

12 **INMATE ABRON:** Yes, I do.

13 **PRESIDING COMMISSIONER BIGGERS:** All
14 right. Thank you. I'm going to read into the
15 record from the probation officer's report a
16 summary of the offense. According to the police
17 reports:

18 "Officers went to 926 Shotwell
19 Street on June the 7th, 1994, at
20 3:30 p.m. and met reportee Ruth
21 Roberson. Ms. Roberson indicated
22 that she found her tenant, the
23 victim DeLisa Abron -- bloody body.
24 Officers followed Ms. Roberson to
25 the rear bedroom, where the
26 victim's body lay on the foot of
27 the bed. The victim's body was

1 . badly misshaped. Ms. Roberson --
2 Roberson. I'm sorry. Excuse me --
3 told officers that the victim died
4 -- did have a violent relationship
5 with her husband, the inmate, and
6 they were often involved in fights
7 and things were broken. Both
8 resided at the residence. She also
9 indicated that the inmate was
10 involved in crack cocaine use on
11 occasion. Ms. Robertson stated
12 that neither the inmate nor the
13 victim were at their job for
14 several days. Homicide inspectors
15 examined the victim's body and
16 noted that the crime scene
17 reflected that a struggle had
18 occurred. Blood was found in the
19 bedroom, bathroom, and hallway.
20 The victim's head and face was
21 covered in dried blood and was
22 blotted with a ready pack ice pack,
23 that were room temperature when
24 officers arrived. The victim's
25 face revealed multiple blunt trauma
26 injuries where she had black eyes,
27 contusions, and bleeding. The

1 medical examiner determined that
2 the victim died from a massive
3 blunt trauma injury to her face and
4 head. There was also a sharp edge
5 instrument wound to the left -- to
6 the victim's head. Officers found
7 two dumbbells in the bedroom, along
8 with a 10-inch, blood-stained
9 butcher knife in the bathroom.
10 Homicide inspectors spoke to Linda
11 Gaut, a friend of the victim's.
12 She stated she last spoke to the
13 victim on Saturday or Sunday
14 evening at 10:30 p.m., and she
15 heard the victim arguing with the
16 inmate. The victim told the
17 inmate, 'Kurt, leave me alone and
18 leave. I don't want you here any
19 more.' Ms. Gaut stated that when
20 the argument became more agitated
21 or [inaudible], she suggested that
22 the victim -- to the victim that
23 she leave the defendant and go to
24 Ms. Gaut's home to stay. The
25 victim replied that she would call
26 Ms. Gaut back in ten minutes when
27 she was ready to leave, but the

1 victim never contacted her.
2 Ms. Gaut stated she attempted to
3 reach the victim on the weekend,
4 and the following Monday and
5 Tuesday at home and work, but she
6 was unsuccessful in her attempts.
7 Ms. Gaut informed the inspector
8 that the victim had been abused by
9 the inmate, and stated that three
10 months prior he had broken her arm
11 in a fight. The victim failed to
12 contact the police, since the
13 inmate was still on probation for
14 domestic violence, and she did not
15 want the inmate going to prison.
16 Homicide inspectors went to Chopi
17 Community Hospital in San Mateo on
18 June the 8th, 1994 and interviewed
19 the inmate. He indicated that he
20 was not aware that his wife had
21 died; and he stated he last her saw
22 on June the 4th, 1994, on Saturday.
23 He further related that he had no
24 knowledge of how she had died.
25 After he was Mirandized, he
26 confessed that he pushed the victim
27 and struck her with his fists in a

1 fight on Saturday or Sunday
2 evening. He stated the victim was
3 injured but not dead when he left
4 her. He placed the ready packs
5 around her head and left. He
6 indicated that he was ill that
7 night and drove around and ended up
8 in San Mateo. When police stopped
9 him, he was taken to the hospital.
10 He claimed he did not mean to kill
11 the victim."

12 That pretty much what transpired, sir?

13 **INMATE ABRON:** Yes, sir.

14 **PRESIDING COMMISSIONER BIGGERS:** Okay.

15 So now you are saying that you did in fact feel
16 that you were responsible for her death?

17 **INMATE ABRON:** I am responsible for her
18 death, yes.

19 **PRESIDING COMMISSIONER BIGGERS:** Did you
20 hit her with your fist, or do you hit her with
21 something else.

22 **INMATE ABRON:** I hit her with my fist.

23 **PRESIDING COMMISSIONER BIGGERS:** How many
24 times?

25 **INMATE ABRON:** One time.

26 **PRESIDING COMMISSIONER BIGGERS:** Just one
27 time?

1 **INMATE ABRON:** Yes, one time.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 And that's when she allegedly fell back and hit
4 her head?

5 **INMATE ABRON:** I struck her on the left
6 side of her face. I was up under in her jaw
7 area. She fell back and collided with the
8 dresser in our bedroom.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.
10 And so why do you think this transpired?

11 **INMATE ABRON:** Why did it transpire? It
12 was a chain of events that led up to that --

13 **PRESIDING COMMISSIONER BIGGERS:** Why
14 don't you tell me about it.

15 **INMATE ABRON:** Well, we were married for
16 ten years. And we had celebrated our tenth
17 anniversary three days earlier than that. But up
18 until -- for seven years we lived a pretty good
19 life and good marriage. Around the end of
20 seventh year, I entered the drug trade. I
21 started using drugs.

22 **PRESIDING COMMISSIONER BIGGERS:** Were you
23 selling them, as well?

24 **INMATE ABRON:** No. No.

25 **PRESIDING COMMISSIONER BIGGERS:** Just
26 using.

27 **INMATE ABRON:** We both started using

1 drugs, and that's when our marriage started to
2 deteriorate. At that time we did have an
3 incident where our marriage with filled with
4 infidelity. I had left my wife a few times
5 because of that, what she had done, but I came
6 back.

7 **PRESIDING COMMISSIONER BIGGERS:** So she
8 was the one that was having an affair at that
9 time.

10 **INMATE ABRON:** Yes, sir.

11 **PRESIDING COMMISSIONER BIGGERS:** Okay. I
12 came back -- I know I shouldn't have, but I came
13 back. We had an incident in 1990 where we were
14 trying to get back together. And I came to visit
15 her one night, and I took her out -- we had
16 dinner and I walked her back up to her apartment,
17 because we weren't living together at that time.
18 And she was telling me this and that -- and
19 actually, I was coming to pick up some of my
20 things, also. When I came, she had made promises
21 to me about these guys, and I really shouldn't
22 have let it get to me like that. But she made a
23 promise to me that she wasn't involved with these
24 guys. Once in the apartment, as I was collecting
25 my things, a guy knocked on the door. So I
26 really became enraged. I was pretty mad, because
27 she had told me that she wasn't involved with

1 this guy. And we were just about to get back
2 together. So I had a box in my hand with some
3 things in it. And I had an ashtray -- I took out
4 an ashtray out the top of the box and threw it
5 against the wall. A piece of the ashtray broke
6 off and struck her in the top of the head. That
7 was my prior incident I had with her.

8 **PRESIDING COMMISSIONER BIGGERS:** Well,
9 how did she get her arm broke?

10 **INMATE ABRON:** I didn't break her arm.

11 **PRESIDING COMMISSIONER BIGGERS:** You
12 didn't break her arm? You were arrested for it.

13 **INMATE ABRON:** That's -- that jumps
14 forward a couple years. During this time -- let
15 me get to that. During this time, after my
16 wife's head was cut, I had got injured at work.
17 I was burned over 40 percent of my body. So
18 that's the time when she offered me to come back
19 home to live in the house.

20 **PRESIDING COMMISSIONER BIGGERS:** Okay.

21 **INMATE ABRON:** I took her up on the offer
22 and came home. I nursed myself back to health,
23 because she really wasn't there a lot. Because
24 she used to come and go a lot, stay away for a
25 couple days at a time and come back. As I was
26 getting better, the drug use picked up at that
27 time. All of this is centered around drugs. So

1 as we were coming up to this 1994 period when
2 this incident happened, as my wife was coming and
3 going all of the time, she came home one day with
4 an arm injury that does not pertain to me. In
5 the court, her friend came to testify that she
6 hurt her arm away from the house, not with me.
7 That's why I wasn't charged.

8 **PRESIDING COMMISSIONER BIGGERS:** But you
9 were arrested for that, were you not?

10 **INMATE ABRON:** No, sir. I wasn't.

11 **PRESIDING COMMISSIONER BIGGERS:** Were you
12 put on probation?

13 **INMATE ABRON:** My probation was over by
14 then. It was over by then. They were aware. My
15 wife went to the hospital and reported that. So
16 it wasn't me that was responsible for her arm
17 injury.

18 **PRESIDING COMMISSIONER BIGGERS:** Were you
19 not arrested at one time for inflicting corporal
20 injury upon a spouse?

21 **INMATE ABRON:** This is the injury where I
22 threw the ashtray and it struck her.

23 **PRESIDING COMMISSIONER BIGGERS:** Just for
24 the ashtray.

25 **INMATE ABRON:** Yes, sir.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay.
27 But you said you did not break her arm.

1 **INMATE ABRON:** No, sir. Never.

2 **PRESIDING COMMISSIONER BIGGERS:** When all
3 this was going on, and you saw the way it was
4 headed, why didn't you just leave?

5 **INMATE ABRON:** That's the concern the
6 doctor had. And I had to look at it -- the prior
7 Commissioner Lawin asked me to look at that, that
8 I should figure out what was wrong. And as I
9 took these many self-help programs, I decided
10 that, I found out that, it was the drugs.

11 **PRESIDING COMMISSIONER BIGGERS:** It was
12 the drugs.

13 **INMATE ABRON:** My wife and I were
14 involved in this drugs.

15 **PRESIDING COMMISSIONER BIGGERS:** What was
16 your drug of choice?

17 **INMATE ABRON:** Cocaine. And these drugs
18 had us -- we were controlling each other, and we
19 had misplaced loyalties. That's basically what
20 it was. That's what the program taught me. I
21 didn't really understand it at the time.

22 **PRESIDING COMMISSIONER BIGGERS:** Did you
23 at one time tell the police that you thought that
24 your decision making was impaired because you
25 felt you were being poisoned?

26 **INMATE ABRON:** Well, that's further up
27 upon -- that's a week prior to this incident

1 happening. Yes, I was. I felt that my --

2 **PRESIDING COMMISSIONER BIGGERS:** That
3 your wife was poisoning you?

4 **INMATE ABRON:** Yes, sir.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.
6 Did you ever get any proof of that?

7 **INMATE ABRON:** Yes, I did.

8 **PRESIDING COMMISSIONER BIGGERS:** Okay.
9 What happened?

10 **INMATE ABRON:** Well, after this incident
11 occurred on this Saturday, I attempted to make it
12 to the hospital, but I passed out before I made
13 it.

14 **PRESIDING COMMISSIONER BIGGERS:** Well,
15 there was also some discussion about you felt
16 that you touched some lawn product.

17 **INMATE ABRON:** Yes. I had been using
18 garden product. We both had that week prior,
19 using garden products.

20 **PRESIDING COMMISSIONER BIGGERS:** Okay.
21 Well, if you were using garden products -- see,
22 I'm a little confused. On one hand you say that
23 your wife was trying to poison you through the
24 food.

25 **INMATE ABRON:** Yes.

26 **PRESIDING COMMISSIONER BIGGERS:** And then
27 another time I'm reading in here where you were

1 -- you cut the lawn or something, used some lawn
2 products, some chemicals, and that created a
3 problem for you.

4 **INMATE ABRON:** Where it turned out to be
5 basically the same products that was ingested in
6 my body.

7 **PRESIDING COMMISSIONER BIGGERS:** So you
8 think she put the lawn product in your food?

9 **INMATE ABRON:** Yes, sir. The doctor
10 determined that I had this happen over a period
11 of time, not in a one-day span. My levels showed
12 that. As I stayed in the hospital for a couple
13 weeks, my levels kept increasing, which showed
14 that I was poisoned over a period of time.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay.
16 Did you ever confront your wife about the fact
17 that you thought she was trying to poison you?

18 **INMATE ABRON:** No. That's what led up to
19 this thing. I didn't know that she was poisoning
20 me, but I had been sick this whole week that this
21 incident happened. And that was just
22 accumulation of it that day.

23 **ATTORNEY NORTON:** Commissioner, if I may
24 add, part of the documents that we submitted
25 today --

26 **PRESIDING COMMISSIONER BIGGERS:** Talks
27 about that.

1 **ATTORNEY NORTON:** Yeah. The first tab on
2 the -- the red tab, talks about the court. The
3 court actually concludes that -- it says, 'well,
4 I think the evidence is essentially
5 uncontroverted that at some point in the course
6 of the evening or sometime thereafter, Mr. Abron
7 suffered from the organophosphate poisoning.'

8 **PRESIDING COMMISSIONER BIGGERS:** Okay.

9 **ATTORNEY NORTON:** Okay. So I just wanted
10 to point that out.

11 **PRESIDING COMMISSIONER BIGGERS:** All
12 right. Yeah, I'll get to that in just a second.

13 **ATTORNEY NORTON:** Thank you, your Honor.
14 Thank you, Commissioner.

15 **PRESIDING COMMISSIONER BIGGERS:** Now, you
16 were on probation for what?

17 **INMATE ABRON:** For the misdemeanor
18 spousal abuse.

19 **PRESIDING COMMISSIONER BIGGERS:** Okay.
20 And I understand that it was extended because you
21 were failing to comply with domestic violence
22 counseling; is that correct?

23 **INMATE ABRON:** No, not to my knowledge.
24 I was sent --

25 **PRESIDING COMMISSIONER BIGGERS:** I'll go
26 back and find where I read that. But I
27 understand -- your probation in 1990 had to be

1 didn't you call 911 and have somebody come look
2 at both of you?

3 **INMATE ABRON:** That's my regret I had
4 about that day. I didn't.

5 **PRESIDING COMMISSIONER BIGGERS:** You were
6 more concerned about yourself than you were her?

7 **INMATE ABRON:** Yes, I was. At that time
8 I was angry, and I was. I was concerned about
9 myself more.

10 **PRESIDING COMMISSIONER BIGGERS:** How much
11 cocaine had you taken prior to this incident
12 taking place?

13 **INMATE ABRON:** None that day.

14 **PRESIDING COMMISSIONER BIGGERS:** None
15 that day? How much had you taken the day before?

16 **INMATE ABRON:** None that day.

17 **PRESIDING COMMISSIONER BIGGERS:** When was
18 the last time you had taken cocaine prior --

19 **INMATE ABRON:** Probably a day before
20 that, a small quantity on that Thursday evening.
21 This happened on a Saturday. That Thursday
22 evening I consumed a small quantity.

23 **PRESIDING COMMISSIONER BIGGERS:** So you
24 feel that it was the combination of the lawn
25 product that you feel that your wife had been --
26 and putting it in your food, as well as you
27 indicated that you had touched some of this stuff

1 prior to -- you didn't have gloves on or
2 something of that nature?

3 **INMATE ABRON:** Not the whole time, no.

4 **PRESIDING COMMISSIONER BIGGERS:** The
5 whole time. And you had, you had come in contact
6 with this, and this sort of impaired your
7 decision making.

8 **INMATE ABRON:** Yes, sir. What initially
9 -- what actually made me strike my wife is when
10 she struck me in the head with a telephone and
11 made this two-inch deep impression on my head.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay.
13 How about the knife? Did you stab her, as well?

14 **INMATE ABRON:** There's no knife involved
15 in my case, sir.

16 **PRESIDING COMMISSIONER BIGGERS:** No knife
17 involved in your case. Okay. Because I know
18 they did find a ten-inch knife.

19 **INMATE ABRON:** Was it a ten-inch knife?

20 **PRESIDING COMMISSIONER BIGGERS:** Yeah.
21 Did she normally keep a knife in her bedroom?

22 **INMATE ABRON:** No, sir. It was a box
23 cutter there. But it wasn't a ten-inch knife.
24 And I didn't -- my wife wasn't stabbed, or she
25 didn't have any puncture wounds on her. No, sir.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay.

27 **INMATE ABRON:** I have the autopsy right

1 here.

2 **PRESIDING COMMISSIONER BIGGERS:** I
3 understand. I've got the autopsy, but I wanted
4 to know about this ten-inch knife that was found
5 in the bedroom.

6 **INMATE ABRON:** I don't know anything
7 about a ten-inch knife.

8 **PRESIDING COMMISSIONER BIGGERS:** Okay.
9 Mr. Harmon, do you have any questions on the
10 crime, sir?

11 **DEPUTY COMMISSIONER HARMON:** Not at this
12 point, no. Thank you.

13 **PRESIDING COMMISSIONER BIGGERS:** Okay.
14 At this point, sir, do you have anything else you
15 want to offer about the crime? And I will go and
16 read the information that you provided for us
17 this morning.

18 **INMATE ABRON:** Yes, I would -- I'll
19 comment after you read the --

20 **PRESIDING COMMISSIONER BIGGERS:** Well,
21 you're going to have a chance to comment at the
22 end anyway. But I'm going to go through and go
23 through your priors. But I'm asking you, do you
24 have anything to cover at this point on the crime
25 that I may have missed?

26 **INMATE ABRON:** No, that's basically it.

27 **ATTORNEY NORTON:** Commissioner, if I may.

1 It does -- in the probation officer account that
2 you read into the record, on page three it says
3 that officers found two dumbbells in the bedroom,
4 along with a ten-inch blood-stained butcher knife
5 in the bathroom.

6 **PRESIDING COMMISSIONER BIGGERS:** Right.

7 **ATTORNEY NORTON:** So that would be not
8 the bedroom.

9 **PRESIDING COMMISSIONER BIGGERS:** I mean
10 the bathroom.

11 **ATTORNEY NORTON:** Thank you. Okay.

12 **PRESIDING COMMISSIONER BIGGERS:** Do you
13 recall that your wife normally would keep a
14 ten-inch knife in the bathroom?

15 **INMATE ABRON:** No, sir.

16 **PRESIDING COMMISSIONER BIGGERS:** Okay.
17 Okay. Let's move to your social history at this
18 point. Now, you're the third of four children
19 born to the union of James and Marie --

20 **INMATE ABRON:** Yes, I am.

21 **PRESIDING COMMISSIONER BIGGERS:** --
22 Abron. Your father died in 1996 while he was
23 incarcerated?

24 **INMATE ABRON:** No. He was -- my father
25 has never been incarcerated.

26 **PRESIDING COMMISSIONER BIGGERS:** Hmm.
27 Okay. Did he pass away in 1996?

1 **INMATE ABRON:** Yes, he did.

2 **PRESIDING COMMISSIONER BIGGERS:** And what
3 did he pass away from?

4 **INMATE ABRON:** Diabetes, and he had a
5 stroke. In Detroit, Michigan.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay.
7 And your mother is still living?

8 **INMATE ABRON:** My mother right now is day
9 to day, in the same Henry Ford Hospital. And
10 she's --

11 **PRESIDING COMMISSIONER BIGGERS:** In
12 Detroit?

13 **INMATE ABRON:** Like I say, she's
14 terminal. She has terminal cancer. Yes, sir.

15 **PRESIDING COMMISSIONER BIGGERS:** I'm
16 sorry to hear that. Now, you lived in Detroit,
17 Michigan until 1981?

18 **INMATE ABRON:** Yes, I did.

19 **PRESIDING COMMISSIONER BIGGERS:** I'm
20 looking at this Board report here.

21 **ATTORNEY NORTON:** I'm just curious,
22 Commissioner. Where did you see -- I'm looking
23 for where it says that his father was
24 incarcerated.

25 **PRESIDING COMMISSIONER BIGGERS:** Look in
26 the personal factors on page three of the 2007
27 report.

1 **ATTORNEY NORTON:** Okay. Page three,
2 under personal factors?

3 **PRESIDING COMMISSIONER BIGGERS:** Yeah.
4 "His father, James Abron, died in 1996 while
5 prisoner was incarcerated." I'm sorry.

6 **ATTORNEY NORTON:** Thank you. So it
7 wasn't the father was incarcerated.

8 **PRESIDING COMMISSIONER BIGGERS:** No, the
9 prisoner was incarcerated.

10 **ATTORNEY NORTON:** Thank you.

11 **PRESIDING COMMISSIONER BIGGERS:** Now, you
12 dropped out of high school in the 11th grade and
13 later completed your GED at Highland Park
14 Community College in Detroit?

15 **INMATE ABRON:** Yes, I did.

16 **PRESIDING COMMISSIONER BIGGERS:** And do
17 you have a -- you have an AA degree. Is that in
18 your C file?

19 **INMATE ABRON:** It should be.

20 **PRESIDING COMMISSIONER BIGGERS:** What do
21 you mean, it should be? See, that's what -- you
22 need to make sure. That's why it's important
23 that you review your C file.

24 **INMATE ABRON:** Well, that document has
25 been submitted years ago when I was at Mule
26 Creek. I have seen the document at my 2004
27 hearing.

1 **PRESIDING COMMISSIONER BIGGERS:** Okay.

2 **INMATE ABRON:** But I do have a recent
3 document where I'm currently enrolled in school
4 right now, where I'm about to attain another AA
5 degree next month.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay.

7 And that one's in criminology?

8 **INMATE ABRON:** Yes, sir.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.

10 Now, you married the victim in 1984.

11 **INMATE ABRON:** 1984, yes.

12 **PRESIDING COMMISSIONER BIGGERS:** Okay.

13 The marriage lasted for ten years and two days,
14 and produced no children.

15 **INMATE ABRON:** Yes.

16 **PRESIDING COMMISSIONER BIGGERS:** Now, you
17 were in the military; is that correct?

18 **INMATE ABRON:** Yes, I was.

19 **PRESIDING COMMISSIONER BIGGERS:** And that
20 was from 1981 to 1991?

21 **INMATE ABRON:** '91. Yes, sir.

22 **PRESIDING COMMISSIONER BIGGERS:** And you
23 were in infantry. The infantry in the army?

24 **INMATE ABRON:** Yes.

25 **PRESIDING COMMISSIONER BIGGERS:** And you
26 were an E6. Is that a staff sergeant or a tech
27 sergeant?

1 **INMATE ABRON:** Staff sergeant.

2 **PRESIDING COMMISSIONER BIGGERS:** Staff
3 sergeant. Why did you get out?

4 **INMATE ABRON:** I -- after I was burned,
5 right around the Gulf War -- I was supposed to be
6 deployed to the first Gulf War, but I got burned
7 pretty bad.

8 **PRESIDING COMMISSIONER BIGGERS:** How did
9 you get burned?

10 **INMATE ABRON:** At my civilian job. I
11 used to deliver oxygen. I worked around oxygen.
12 And it was an accident, and I got burned in the
13 accident.

14 **PRESIDING COMMISSIONER BIGGERS:** So you
15 were in the army -- how many --

16 **INMATE ABRON:** I was in the reserves.

17 **PRESIDING COMMISSIONER BIGGERS:** In the
18 reserves.

19 **INMATE ABRON:** California Army National
20 Guard.

21 **PRESIDING COMMISSIONER BIGGERS:** The
22 National Guard. Okay. And they were getting
23 ready to activate your unit before you got
24 burned?

25 **INMATE ABRON:** Yes.

26 **PRESIDING COMMISSIONER BIGGERS:** And I
27 see here that you experimented with marijuana

1 back in 1970; is that correct?

2 **INMATE ABRON:** Yes, I did.

3 **PRESIDING COMMISSIONER BIGGERS:** Like all
4 kids. But your beverage of choice was beer?

5 **INMATE ABRON:** Yes.

6 **PRESIDING COMMISSIONER BIGGERS:** And on
7 your counselor's report here, it indicated that
8 you deny illicit drug usage and claim you only
9 tried a snort of cocaine one time two days before
10 the event. But then you told me earlier that you
11 all had -- you and your wife had gotten involved
12 with cocaine.

13 **INMATE ABRON:** Well, my drug use -- I
14 masked a lot of my drug use, and it kind of
15 confused me. It was a little more severe than I
16 earlier stated.

17 **PRESIDING COMMISSIONER BIGGERS:** A little
18 bit more severe than what you earlier stated. So
19 when you said that you only tried a snort of
20 cocaine one time two days before the event, that
21 was not true?

22 **INMATE ABRON:** No. No, that was true.
23 That was true.

24 **PRESIDING COMMISSIONER BIGGERS:** But I --
25 wait a minute. You told me earlier that over the
26 last three years of your marriage, two or three
27 years --

1 **INMATE ABRON:** Yes, sir.

2 **PRESIDING COMMISSIONER BIGGERS:** -- that
3 you were -- that the both of you were involved
4 with drugs.

5 **INMATE ABRON:** Yes, we were.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay.

7 And the drug of choice was cocaine?

8 **INMATE ABRON:** Yes, it was.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.

10 But then here I'm asking you that -- it shows me
11 on this, on your Board report here, that you
12 denied using illicit drug usage; and claimed that
13 you only tried a snort of cocaine one time two
14 days before the event.

15 **INMATE ABRON:** In that period -- can I
16 explain?

17 **PRESIDING COMMISSIONER BIGGERS:** Yes,
18 please.

19 **INMATE ABRON:** At that period, from 1993
20 to 1994, I was attempting to get a full-time job
21 at Genentech. I was working there as a temporary
22 employee at that time. For me to obtain
23 employment, I would have to pass a drug test. So
24 my drug use stopped for that year. The day that
25 this crime happened, I was hired the day before.

26 **PRESIDING COMMISSIONER BIGGERS:** That's
27 all well and good. Okay, so -- but at the same

1 time --

2 **INMATE ABRON:** My drug use wasn't in
3 effect at that time.

4 **PRESIDING COMMISSIONER BIGGERS:** Well,
5 you stopped, but you still had been using it
6 quite substantially prior to the time that you
7 stopped, and then you just used it two days prior
8 to this happening again.

9 **INMATE ABRON:** I used it two days before
10 the crime happened. But before then, no. No, I
11 had stopped, because I was subject to the drug
12 test.

13 **PRESIDING COMMISSIONER BIGGERS:** You had
14 stopped a year before.

15 **INMATE ABRON:** Yes.

16 **PRESIDING COMMISSIONER BIGGERS:** Okay.
17 But prior to that year that you stopped, were you
18 not involved with drugs?

19 **INMATE ABRON:** Yes, I was. Heavily
20 involved in drugs.

21 **ATTORNEY NORTON:** I would concur,
22 Commissioner. It looks like in the Board report,
23 that's what you indicated. And I think
24 Mr. Abron's cleared that up, that this is somehow
25 -- wasn't communicated very well, or written
26 down.

27 **PRESIDING COMMISSIONER BIGGERS:** Thank

1 you. Is there anything else that you want to
2 cover -- that I may have left out in your social
3 history that you'd like to talk about, sir?

4 **INMATE ABRON:** No. Basically that's it.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay. I
6 see that you had no juvenile record.

7 **INMATE ABRON:** No record at all. No,
8 sir.

9 **PRESIDING COMMISSIONER BIGGERS:** Well,
10 you do have -- you do have an adult record where
11 you were arrested for that -- what we've talked
12 about briefly earlier, about inflicting corporal
13 injury upon a spouse.

14 **INMATE ABRON:** Yes.

15 **PRESIDING COMMISSIONER BIGGERS:** And you
16 received -- and that happened on April the 28th,
17 1990. And you got three years of formal
18 probation and thirty days in county jail; is
19 that correct?

20 **INMATE ABRON:** Well, the 30 days was
21 suspended. I stayed in jail for one night.

22 **PRESIDING COMMISSIONER BIGGERS:** Okay.
23 Is there anything else that I may have left
24 before I ask Deputy Commissioner Harmon to go
25 through your post conviction factors, sir?

26 **INMATE ABRON:** Well, we skipped through
27 so much, I did not --

1 the deputy commissioner to -- Deputy Commissioner
2 Harmon to go over your post conviction factors.
3 And this is a continuation tape from the one that
4 we previously had placed in the file.

5 **DEPUTY COMMISSIONER HARMON:** Okay.

6 Mr. Abron, your last hearing was February 24th of
7 '04. You had a three-year denial. That was your
8 initial hearing; is that correct?

9 **INMATE ABRON:** Yes, sir.

10 **DEPUTY COMMISSIONER HARMON:** You were
11 received at Solano July 13th of '05 from ASP?

12 **INMATE ABRON:** Yes.

13 **DEPUTY COMMISSIONER HARMON:**

14 Classification score today is a revised 19. Your
15 custody level is medium A.

16 **INMATE ABRON:** Yes.

17 **DEPUTY COMMISSIONER HARMON:** Okay. Good.

18 We are going to focus primarily on the period of
19 time since your last hearing. And I'm going to
20 take parts of your counselor's report as
21 reference. And I'll give you an opportunity to
22 add anything I may leave out. It does show that
23 from August of '03 to August of '04 you remained
24 at Avenal, medium A custody, in the general
25 population. You were in -- you had completed 22
26 components, receiving 8 certificates in
27 vocational training. No academics, no work, no

1 group activities, no psychiatric treatment. It
2 says you received eight 128(a)'s for failure to
3 report. From August of '04 to August of '05, it
4 shows that on July 13th of '05 you were
5 transferred to California State Prison, Solano.
6 Custody remained at medium A. You were
7 continuing in vocational office services related
8 technology, receiving above average work reports.
9 It says that you were involved in independent
10 college courses. There was no work, no group
11 activities, no psychiatric treatment, no
12 discipline. Then from August of '05 to August of
13 '06, once again you remained at Solano during the
14 entire period of time, medium A custody. It says
15 that you continued with your assignment in office
16 services related technology, completing all
17 components. You were receiving satisfactory work
18 reports. It says you were participating in FEMA
19 and taking college courses. There's no other
20 work, no psychiatric treatment. You're
21 participating in AA/NA. There's no discipline
22 problems. From August of '06 to December 1st of
23 '06, you remained at CSP Solano during the entire
24 period of time, medium A custody, receiving
25 satisfactory work reports, continuing with FEMA,
26 and continuing with college courses. No other
27 work. You're continuing with the 12-step

1 program. No psychiatric treatment, no
2 discipline. And this is signed February 7th of
3 '07 by R. Long, L-O-N-G for the transcriber, who
4 is your correctional counselor. Now that brings
5 us up to February of '07. Here we are in April.
6 First of all, let me ask you the question: Did
7 the counselor get most of the information right
8 there?

9 **INMATE ABRON:** That was -- that was
10 pretty accurate, yes.

11 **DEPUTY COMMISSIONER HARMON:** Okay. So
12 from February 7th to where we are today, can you
13 kind of bring us up to date? Because here we are
14 in mid-April, and I have no addendum to bring us
15 up to date. So can you tell us where you are
16 currently assigned and what is going on.

17 **INMATE ABRON:** Since February on that
18 date, I'm still currently in office services.
19 But I'm practicing for my Microsoft Office
20 certifications in Word, Excel, Access, and
21 PowerPoint. These certifications will allow me
22 to be more employable upon my release.

23 **DEPUTY COMMISSIONER HARMON:** Okay.

24 **INMATE ABRON:** It's straight from
25 Microsoft. They don't have anything to do with
26 the California Department of Corrections.

27 **DEPUTY COMMISSIONER HARMON:** Okay. And

1 can you tell us what you do with your free time?

2 **INMATE ABRON:** In my free time, I'm a
3 full-time student at Coastline Community College.
4 I'm 15 units shy of obtaining another associate's
5 degree, which I will complete next month. I have
6 the transcript right here for you. That is
7 current.

8 **ATTORNEY NORTON:** For the record, it
9 looks like an original Coastline Community
10 College transcript, dated -- let's see --
11 February 13th, 2007.

12 **DEPUTY COMMISSIONER HARMON:** That's fine.
13 You're an officer of the court. No problem.

14 **ATTORNEY NORTON:** Thank you.

15 **DEPUTY COMMISSIONER HARMON:** We'll take
16 that information.

17 **INMATE ABRON:** I had that in my file.
18 That is supposed to be in my file. I gave it to
19 them.

20 **DEPUTY COMMISSIONER HARMON:** There is.
21 There's copies of transcripts in there. It may
22 not have your most recent courses, but there is.

23 **INMATE ABRON:** Yes. This is recently.

24 **DEPUTY COMMISSIONER HARMON:** Okay. And
25 can you tell us other things you may do with your
26 free time. Do you do any independent reading on
27 any other areas, or --

1 **INMATE ABRON:** Well actually, I don't
2 really have time. I just completed the FEMA
3 26-course - courses too. I have the completion.
4 That should be in my file, too. So basically,
5 when I come from office services, I do this and
6 the FEMA, and various self-help groups I'm in.
7 I'm always busy.

8 **DEPUTY COMMISSIONER HARMON:** Okay. What
9 self-help groups are you in right now?

10 **INMATE ABRON:** Actually, I just finished
11 also the seven -- no, the nine courses of
12 Crimanon, which I just finished right then. And
13 I finished that in January. And I just got the
14 completion, which should be in the file also, the
15 nine courses.

16 **DEPUTY COMMISSIONER HARMON:** Okay.

17 **INMATE ABRON:** The NA, the AA. But
18 basically these five classes of Coastline really
19 tires me out.

20 **DEPUTY COMMISSIONER HARMON:** Okay.

21 **INMATE ABRON:** I take five classes.

22 **DEPUTY COMMISSIONER HARMON:** Well, good.
23 Good. You go out in the yard at all?

24 **INMATE ABRON:** Pardon me?

25 **DEPUTY COMMISSIONER HARMON:** Do you go
26 out in the yard?

27 **INMATE ABRON:** Yes, I do. I run. I go

1 out for a couple hours and run every day,
2 whenever I can.

3 **DEPUTY COMMISSIONER HARMON:** Okay. Are
4 you a spiritual man?

5 **INMATE ABRON:** Very spiritual. I attend
6 at least one service every week, in the chapel.

7 **DEPUTY COMMISSIONER HARMON:** All right.
8 Okay. That kind of gives us an idea of what you
9 do, then.

10 **INMATE ABRON:** Oh, yes. Yes, sir.

11 **DEPUTY COMMISSIONER HARMON:** Okay. Now,
12 let's go into your history here a little bit. I
13 want to ask you -- the office-related technology
14 program, you've got that down, right?

15 **INMATE ABRON:** Yes, sir.

16 **DEPUTY COMMISSIONER HARMON:** Now, there's
17 indications that you have taken some shoe repair,
18 landscaping, air conditioning, refrigeration,
19 electronics technician -- however, I don't find
20 any certificates of completion in those areas.

21 **INMATE ABRON:** They should all be in my
22 file.

23 **DEPUTY COMMISSIONER HARMON:** That's why
24 the commissioner talked to you earlier about
25 doing your C file review. I'm pretty good about
26 going through those files. I didn't find them.
27 Here's what I did find. I found that you've held

1 various jobs since being in the institution.
2 You've been -- I'll take some of them. You've
3 been a groundskeeper, recreation aid, clothing
4 attendant, water -- excuse me, part of the work
5 program. Areas like that, you've maintained good
6 work reports. But as far as vocational
7 completions, do you have those other than office
8 services or office-related technology?

9 **INMATE ABRON:** I have them all, but I
10 didn't bring it with me today. I have completed
11 all of those. Those are all completions.

12 **DEPUTY COMMISSIONER HARMON:** So when did
13 you complete air conditioning? I'll go back
14 through your file again.

15 **INMATE ABRON:** Yes, I completed air
16 conditioning in 2004 at Avenal. That's where I
17 took it at.

18 **DEPUTY COMMISSIONER HARMON:** Okay. And
19 when did you complete --

20 **INMATE ABRON:** The landscape was
21 completed several months before then.

22 **DEPUTY COMMISSIONER HARMON:** And is that
23 in horticulture?

24 **INMATE ABRON:** Yes, sir.

25 **DEPUTY COMMISSIONER HARMON:** And that was
26 in '04 also?

27 **INMATE ABRON:** Yes, sir.

1 **DEPUTY COMMISSIONER HARMON:** You
2 completed two vocations in the same year?

3 **INMATE ABRON:** Yes.

4 **DEPUTY COMMISSIONER HARMON:** And what's
5 this electronics technician program? That's
6 what?

7 **INMATE ABRON:** Which one is that?

8 **DEPUTY COMMISSIONER HARMON:** Are you a
9 certified electronic technician, or is that just
10 a job you held?

11 **INMATE ABRON:** Those are just jobs I
12 held.

13 **DEPUTY COMMISSIONER HARMON:** Okay. So I
14 can cross that out. And what's the shoe repair?

15 **INMATE ABRON:** The shoe repair is at
16 Folsom. I completed that. It was a course in
17 repairing shoes, the boots we wear.

18 **DEPUTY COMMISSIONER HARMON:** What year
19 was that?

20 **INMATE ABRON:** And also the staff shoes.
21 That was from 1999 to 2002.

22 **DEPUTY COMMISSIONER HARMON:** Okay. I'm
23 going to have to go back through those. Okay.
24 So you're saying you've completed the
25 office-related technology program.

26 **INMATE ABRON:** Yes.

27 **DEPUTY COMMISSIONER HARMON:** 22 of 22 on

1 the certification units. You said you completed
2 air conditioning, refrigeration?

3 **INMATE ABRON:** Yes, I have, with
4 certifications from the EPA. Yes, sir.

5 **DEPUTY COMMISSIONER HARMON:** Okay. And
6 landscaping in '04? Horticulture?

7 **INMATE ABRON:** Yes, sir.

8 **DEPUTY COMMISSIONER HARMON:** Okay. I'll
9 have to check. And the shoe repair. I've gone
10 over your work record. Now, education wise,
11 Pershing High School in Detroit? You went there?

12 **INMATE ABRON:** Yes, sir.

13 **DEPUTY COMMISSIONER HARMON:** But you
14 graduated with a GED?

15 **INMATE ABRON:** I didn't complete it at
16 Pershing, because I have -- became a young
17 father, so I dropped out and got a job, and I got
18 my GED.

19 **DEPUTY COMMISSIONER HARMON:** Okay. You
20 got that in '81, I found.

21 **INMATE ABRON:** Yes.

22 **DEPUTY COMMISSIONER HARMON:** Okay. And
23 then we talked about Coastline and San Francisco
24 City College?

25 **INMATE ABRON:** Yes, sir.

26 **DEPUTY COMMISSIONER HARMON:** Okay. Self
27 help and group -- well, let's take this. I found

1 a TABE score, just to bring it up to date.
2 October of '05 it showed a reading level of 11.8
3 and a total battery of 10.3. Self-help group
4 programs. Now, you were part of the -- let's
5 see, Creative Conflict Resolution in '02.
6 Framework for Recovery in '99, Life Plan for
7 Recovery in '98, The Lifers Group, '05. Anger
8 Management -- that particular program was, you
9 took the Cage Your Rage in '02.

10 **INMATE ABRON:** Yes, sir.

11 **PRESIDING COMMISSIONER BIGGERS:** And you
12 took a substance abuse program, and you were part
13 of the STOP program, Seven Habits of Highly
14 Effective People. Are you currently
15 participating in 12 step?

16 **INMATE ABRON:** Yes, I am. I am in the
17 NA/AA program, and I am also enrolled in the 40
18 Days of Purpose program that they have going
19 right now.

20 **DEPUTY COMMISSIONER HARMON:** 40 Days of
21 Purpose. I'm not familiar with that one.

22 **INMATE ABRON:** Yes, sir. It's a
23 religious program.

24 **DEPUTY COMMISSIONER HARMON:** Okay. Did
25 you learn to sell it -- did you learn the 12
26 steps?

27 **INMATE ABRON:** Pretty much. There's

1 three of them that I really apply to myself.

2 One, four, and eight.

3 **DEPUTY COMMISSIONER HARMON:** Well, okay.

4 Let me ask you, though. Let me ask you. Do you
5 know all 12?

6 **INMATE ABRON:** Yes, I know them.

7 **DEPUTY COMMISSIONER HARMON:** Okay. Let
8 me ask you: What does the tenth step mean to
9 you?

10 **INMATE ABRON:** Tenth step. Tenth step I
11 can't recall offhand.

12 **DEPUTY COMMISSIONER HARMON:** What does
13 the fourth mean to you?

14 **INMATE ABRON:** The fourth step is what
15 got me here. I made the fearless searching moral
16 inventory of my life, and that helped me get to
17 where I'm at today, and make me find how this
18 crime was committed and everything about my life.

19 **DEPUTY COMMISSIONER HARMON:** What have
20 you been able to do with the ninth?

21 **INMATE ABRON:** The ninth step. I have a
22 list that -- for people that I can make amends
23 to. I have been making amends my whole time.
24 And I would like to -- the person I can't make
25 amends to is my wife's family. I have attempted
26 to, but I haven't been able to do it. And to try
27 to the way I want to, to mail them a letter

1 directly from here, would probably injure them
2 and probably get my own self in trouble. So
3 that's the person that I haven't done.

4 **DEPUTY COMMISSIONER HARMON:** Let me throw
5 something at you, because it does occur in a lot
6 of counties. I don't know any policies of San
7 Francisco, but a lot of the inmates in the state
8 use the district attorney's office as an
9 intermediary, because the victims of crime may be
10 looking for closure as well. I don't know.

11 **INMATE ABRON:** Yes.

12 **DEPUTY COMMISSIONER HARMON:** But some
13 counties don't do it.

14 **INMATE ABRON:** I did that. I sent them a
15 copy of the letter.

16 **DEPUTY COMMISSIONER HARMON:** Okay. What
17 year --

18 **INMATE ABRON:** I wrote the letter right
19 before my 2004 hearing, but I was unable to get
20 it to them. So I just recently sent the same
21 letter to her office several months ago.

22 **DEPUTY COMMISSIONER HARMON:** Okay.

23 **INMATE ABRON:** With a form -- I tried to
24 send it through the Victims Services in
25 Sacramento, that you guys offer. But I sent it
26 to them, and they sent me a letter back saying
27 that they can't give me an address to send the

1 letter. I didn't want their address, because I
2 know her address. I used to -- I used to
3 basically live at their house, so -- at one time.
4 I knew the address, but I didn't want to send it
5 straight from here. I wanted another party to be
6 involved in this process. Because, you know,
7 people can say anything, that I sent them a
8 threatening letter or anything. So once they
9 sent it back, I thought about it, and I finally
10 sent it to her office.

11 **DEPUTY COMMISSIONER HARMON:** Okay. Never
12 had a 115.

13 **INMATE ABRON:** No, no 115's.

14 **DEPUTY COMMISSIONER HARMON:**
15 Congratulations, that's commendable.

16 **INMATE ABRON:** Thank you.

17 **DEPUTY COMMISSIONER HARMON:** Nine 128's,
18 the last one January 23rd of '04 for failure to
19 report, and that was your class.

20 **INMATE ABRON:** That's the class that I
21 was finished with, and they kept making me go
22 there after I received my completion. So I
23 missed a couple times. I was finished with the
24 class.

25 **DEPUTY COMMISSIONER HARMON:** So how many
26 128's did you get since your last hearing,
27 though?

1 **INMATE ABRON:** I haven't had any. I
2 think those were before my hearing.

3 **DEPUTY COMMISSIONER HARMON:** That was
4 just before the hearing. Did they take that into
5 account at the time? Had it been part of your
6 file?

7 **INMATE ABRON:** I'm sure. Yes, they did.

8 **DEPUTY COMMISSIONER HARMON:** Okay. I can
9 check the transcript. Okay.

10 **INMATE ABRON:** Yes, they did.

11 **DEPUTY COMMISSIONER HARMON:** Okay. How
12 about any other accomplishments? Have I missed
13 anything? And by the way, I do appreciate you --
14 this is nicely done, your document that you have
15 submitted today. My records are pretty close to
16 what you've got here. Is there anything that
17 I've missed?

18 **INMATE ABRON:** No, that's everything on
19 there.

20 **DEPUTY COMMISSIONER HARMON:** Okay.

21 **INMATE ABRON:** That's everything. I'll
22 start Sacramento State University in late July.
23 I'll start my new program.

24 **DEPUTY COMMISSIONER HARMON:** Good. I'm
25 going to go on to your doctor's reports.

26 **INMATE ABRON:** Okay.

27 **DEPUTY COMMISSIONER HARMON:** Now, before

1 I do, if you remember, the commissioner here has
2 asked me to do post conviction factors. That's
3 everything since the day you arrived in prison to
4 where we are today.

5 **INMATE ABRON:** Yes, sir.

6 **DEPUTY COMMISSIONER HARMON:** So my first
7 question to you is, do you believe you still pose
8 a risk to the safety of the people outside of the
9 prison walls today?

10 **INMATE ABRON:** No, sir. I don't.

11 **DEPUTY COMMISSIONER HARMON:** What do you
12 believe makes you a different man today than the
13 man that came into prison for the life crime?

14 **INMATE ABRON:** The man back there in 1994
15 had many problems. I had low self esteem, I was
16 - actually, I was trying to impress a woman that
17 couldn't be impressed. That was my problem,
18 which led to the drug problem. So all those
19 factors are out of my life now. Unfortunately,
20 the drugs came as a result of me trying to get
21 closer with her. Because she was involved in
22 them, and I wanted to -- she suggested that. And
23 I was in and out of it, but I got in too far at
24 some point. And that's what happened. But I'm
25 not the same person I am right now. I've
26 learned, I've matured immensely. I've finally
27 been able to educate myself. I was going to

1 school out there at that time; but with my work
2 and other things, I couldn't go full time like I
3 am going now. I finally got where I want to be
4 right now.

5 **DEPUTY COMMISSIONER HARMON:** Okay.

6 **INMATE ABRON:** My head is clear. And
7 back there, honestly, I didn't have deterrence
8 back there. I've never been in trouble aside
9 from that misdemeanor thing, which was big. I
10 don't want to minimize it. But I didn't have any
11 deterrence. I've never been in trouble. I've
12 never lived a life of crime, any criminal
13 behavior. So back then, what I was doing, I
14 didn't think I could get in trouble. But now I
15 have deterrence. I have made a lot of promises
16 to my family. And my biggest deterrent is facing
17 this Panel again. So, no disrespect, though; but
18 I would never, ever want to do that again.

19 **DEPUTY COMMISSIONER HARMON:** Okay. Now
20 I'm going to go into your doctor's reports. Now,
21 what I do is I take parts of the two most recent
22 doctor's reports. Listen carefully. I may leave
23 out areas that are very important to you and your
24 attorney. And I'll try to emphasize the areas
25 that are -- I consider to be important. The
26 doctor starts out with your history, which has
27 already been done today with you and the

1 commissioner. I will go directly to the area of
2 -- well, let's say. John Rouse, R-O-U-S-E, a
3 forensic psychologist, does this report in
4 February of '07. And under substance abuse
5 history, it says:

6 "Mr. Abron stated that he
7 experimented with marijuana and was
8 a casual user of alcohol, but did
9 not abuse cocaine -- but did abuse
10 cocaine. He stated that he had
11 used cocaine two days prior to the
12 instant offense, but had not used
13 any on the day of his life crime."

14 Under clinical assessment, under current mental
15 status and treatment needs, the doctor said here,
16 as to you, on the day of the interview, it says:

17 "He was cooperative and respectful.
18 He spoke in a clear and organized
19 manner. On the date of this
20 evaluation, Mr. Abron was alert and
21 fully oriented in all spheres. His
22 thinking was clear, organized, and
23 goal directed. His insight and
24 judgment seemed within normal
25 limits. Records do not indicate a
26 mental disorder."

27 Under diagnosis, under axis one, cocaine abuse.

1 And then the writes in parentheses, here, "in
2 institutional remission." Axis two, no diagnosis
3 on axis two. And axis five, a GAF of 90. Under
4 assessment of dangerousness, in part it says:

5 "Mr. Abron has been involved in a
6 number of self-help groups, and
7 appears to have benefited from his
8 participation. He expresses what
9 appears to this examiner to be an
10 appropriate amount of remorse and
11 contriteness for his life crime,
12 but seemed, at least in the opinion
13 of this examiner, to have some
14 limited insight and understanding of
15 the causative factors that
16 precipitated the degree of rage and
17 violence that he committed upon his
18 wife. As a result of that, there
19 is a high reasonable probability
20 that Mr. Abron's risk of
21 dangerousness in this institutional
22 setting is low, but is relatively
23 unpredictable in the wider society,
24 especially as it relates to his
25 involvement in intimate
26 relationships."

27 So that was part of Dr. Rouse's report. The

1 prior report was from Dr. Silverstein -- for the
2 transcriber, that's S-I-L-V-E-R-S-T-E-I-N -- a
3 licensed psychologist. That particular report
4 was completed in June of '03. In that particular
5 report, the doctor does go over your history once
6 again. I won't do all that again. But in the
7 area of substance a history, the doctor says in
8 part, "he admitted to a cocaine problem and
9 indicated that he had been using cocaine given to
10 him by a friend during the week of the instant
11 offense."

12 Under current mental status and treatment needs,
13 in part:

14 "The inmate's mental status is
15 negative for clinical disorders.
16 No psychopathology or other mental
17 health treatment or
18 hospitalization. His thinking was
19 clear, linear, and logical. The
20 primary clinical issue would be
21 polysubstance abuse. Apparently,
22 cocaine was a factor in the life
23 crime. However, there appear to be
24 a myriad of medical issues, in
25 parentheses, poisoning, heart
26 problems, seizure history, et
27 cetera, end of parentheses, which

1 have a potential impact on both the
2 precipitant factors to the crime
3 and future predictions of
4 dangerousness."

5 Under impressions, under axis one, polysubstance
6 abuse in institutional remission, adjustment
7 reaction with dysemia, intermittent. Axis two
8 deferred, and axis five, a global assessment of
9 functioning 70. The doctor does go into the
10 review of the life crime. It says in part:

11 "There are discrepancies between
12 the inmate's description of the
13 events leading up to and the nature
14 of the crime itself. He denied any
15 assault on his victim other than
16 striking her and causing her to
17 fall against a corner of furniture,
18 causing a head injury that led to
19 her death. Police reports
20 apparently indicated that the
21 victim suffered massive blunt
22 trauma injuries to her face and
23 head, and that there was a
24 bloodstained butcher knife in the
25 proximity to the victim when she
26 was found. The inmate had no
27 explanation for these

1 discrepancies."

2 In the area of assessment of dangerousness, in
3 part:

4 "The inmate shows regret and
5 remorse for what he did and has
6 some insight into the processes
7 leading up to the instant offense.
8 Overall, I would estimate that his
9 potential for violence in a level
10 two incarceration setting is lower
11 than average. In the community,
12 his potential for violence is
13 likely -- is near average, assuming
14 one, that he is free of substance
15 abuse; and two, does not return to
16 a high-conflict relationship."

17 And I think at that point, I'll leave Dr.
18 Silverstein's report at that point. So what I
19 have done there, Mr. Abron, is before I move on
20 to your parole plans, is I have taken parts of
21 the doctor's reports, part of the counselor's
22 reports, and parts of your entire institutional
23 adjustment. I may have inadvertently left out
24 areas that are important to you and your
25 attorney. Now, I'm going to go on to your parole
26 plans; but before I do, is there anything that
27 you wish to add to the areas that I covered

1 today?

2 **INMATE ABRON:** Well, just -- I just
3 wanted to clarify the recent medical report from
4 Dr. Rouse. Dr. Rouse had concerns about -- he
5 asked me a question towards the end of the
6 interview -- and incidentally, that interview was
7 much shorter than the one I had previously -- he
8 had a concern about would I -- he asked me a
9 question, how does he know that I would ever do
10 this again? And I went in and started to tell
11 him that the core of this problem was the drugs.
12 And the drugs altered my thinking, and the
13 thinking resulted in these actions that happened.
14 He wanted me to explain that to this Panel. He
15 said I can reserve that and explain it to you
16 guys.

17 **DEPUTY COMMISSIONER HARMON:** Okay.

18 **INMATE ABRON:** So what it was, I was
19 trying to explain to him that once we entered
20 that drug culture, that we didn't understand that
21 the -- the far-reaching ramifications in it.
22 Because we had no idea that we would end up
23 turning on each other, and our loyalties would be
24 misplaced, and people from outside can come and
25 control us, as this guy did, came and controlled
26 her. Which I always wanted to confront him, but
27 I never did.

1 **PRESIDING COMMISSIONER BIGGERS:** What guy
2 are you talking about, sir?

3 **INMATE ABRON:** This is just one of the
4 men who supplied the drugs to my wife. And this
5 is the problems that I never anticipated, other
6 people coming in and dividing our relationship.
7 Although that's what happens in that culture. I
8 understand that now. I didn't know it until I
9 received these programs that I have been in. I
10 found out that the drugs had altered my thinking,
11 and all my decisions and thinking was irrational.
12 My irrational thinking led to the irrational
13 decisions. So all my actions were wrong. I
14 understand that now. I didn't know that before.
15 That's what I didn't understand about the whole,
16 the whole crime. Commissioner Lawin wanted me to
17 look into that. And I understand that now, that
18 my thinking was wrong. So I didn't have anywhere
19 to go but down.

20 **DEPUTY COMMISSIONER HARMON:** Okay.

21 **INMATE ABRON:** What happened is, once I
22 had those thoughts in my mind, even though we
23 weren't under the influence of drugs, you still
24 have those thoughts. You still harbor those
25 resentments that I had from her taunting me with
26 these guys and bringing guys to my home. Never
27 hit her before, which I wanted to try to explain

1 to you guys what made that day different that I
2 did hit her. That day was different, out of my
3 whole life. Can I explain that do you, what made
4 that day different?

5 **DEPUTY COMMISSIONER HARMON:** Well, I
6 mainly want to make sure that you've had an
7 opportunity, you know, to address areas that the
8 doctor, counselor, whatever, left out. You are
9 getting into an area where it probably be more
10 appropriate under questioning. I think you are
11 going back into an area that the commissioner is
12 probably going to touch base with you again.

13 **INMATE ABRON:** Yes.

14 **DEPUTY COMMISSIONER HARMON:** Because he
15 already started on that, and I won't interfere at
16 this point.

17 **INMATE ABRON:** He was concerned about the
18 core of my problem. And I started using the
19 drugs to try to be closer to my wife, but it had
20 the opposite effect. That's what he wanted to
21 know.

22 **DEPUTY COMMISSIONER HARMON:** Okay. How
23 about everything else, though? Did we cover
24 everything else okay?

25 **INMATE ABRON:** Yes, sir.

26 **DEPUTY COMMISSIONER HARMON:** And are you
27 satisfied, counsel?

1 **ATTORNEY NORTON:** Yes, I am.

2 **DEPUTY COMMISSIONER HARMON:** Okay. I'll
3 go on to the parole plans. Now, let's briefly
4 talk here. You mentioned to your counselor, and
5 you have given me some documents to indicate,
6 that first of all you want to get into some type
7 of transitional housing; is that correct?

8 **INMATE ABRON:** Yes, sir.

9 **DEPUTY COMMISSIONER HARMON:** Okay. And
10 you've supplied documents with places that you
11 can live at. In fact, we also have a letter from
12 Lynette Safford, S-A-F-F-O-R-D, that would also
13 provide you with a place to live.

14 **INMATE ABRON:** Yes. That's back in
15 Detroit, though.

16 **DEPUTY COMMISSIONER HARMON:** Right. And
17 I'm going to go into that in just a second. But
18 basically you're looking at transitional housing
19 in California.

20 **INMATE ABRON:** Yes, sir.

21 **DEPUTY COMMISSIONER HARMON:** Now, is
22 there an actual transitional program that has --
23 that is willing to accept you?

24 **INMATE ABRON:** Yes, sir. There's two.
25 Saint Ephraim's House in San Francisco, and the
26 James Marcus [sic] Society would be able to house
27 me for however long as you guys would apply me

1 to.

2 **DEPUTY COMMISSIONER HARMON:** Now, did we
3 receive a letter of acceptance, at this point?
4 Either of those?

5 **INMATE ABRON:** They just sent a letter.
6 That letter should be in my file. I have a copy
7 of one of them.

8 **ATTORNEY NORTON:** Commissioner, it's in
9 my file. It's in the notices and response
10 section, the first letter under the support
11 letter section from Saint Ephraim's house, signed
12 by Father Nazarene?

13 **INMATE ABRON:** Yes.

14 **DEPUTY COMMISSIONER HARMON:** I'm sorry.
15 I do it. I did outline it, too. Okay. It's
16 handwritten?

17 **ATTORNEY NORTON:** Yes. That's correct.

18 **INMATE ABRON:** That one is handwritten.
19 Yes, sir.

20 **DEPUTY COMMISSIONER HARMON:** Dated
21 November 10th of '06.

22 **INMATE ABRON:** And another from James
23 Marcus [sic] Society.

24 **DEPUTY COMMISSIONER HARMON:** Okay. Now,
25 that takes care of California. Now, you do
26 realize you'll be paroled into California
27 somewhere.

1 **INMATE ABRON:** Yes, sir.

2 **DEPUTY COMMISSIONER HARMON:** Okay.

3 **INMATE ABRON:** I'm not worried about
4 going back. I made that mistake before. I have
5 to stay here right now.

6 **DEPUTY COMMISSIONER HARMON:** Okay. Once
7 you get out on parole, then you can make
8 application to go out of state. Usually there's
9 some type of transfer agreement, where there's
10 going to be one for one or whatever, from the
11 sending state to the accepting state.

12 **INMATE ABRON:** I'm not really concerned.
13 I made that mistake in my previous hearing about
14 talking more about Detroit than what is required
15 here. So I'm going to stick to right here right
16 now.

17 **DEPUTY COMMISSIONER HARMON:** Okay. So
18 that takes care of the housing issue.

19 **INMATE ABRON:** We also have a family
20 home, too.

21 **ATTORNEY NORTON:** Commissioner, from
22 Mr. -- his brother, James Abron.

23 **DEPUTY COMMISSIONER HARMON:** Right.

24 **ATTORNEY NORTON:** Who supports him,
25 housing as well as a job offer as an inspector
26 assistant at his engineering consulting firm.
27 It's dated January 15th, 2007.

1 **PRESIDING COMMISSIONER BIGGERS:** Excuse
2 me, Mr. Harmon. A couple of things, if I may
3 please, sir. This James Marcus [sic] Society,
4 did you read what they said on October 31st,
5 2006? That they would be willing to provide
6 every possible support in quest for your
7 rehabilitation?

8 **INMATE ABRON:** Yes, sir.

9 **PRESIDING COMMISSIONER BIGGERS:** What's
10 this about -- I thought you said that they had
11 agreed to take you in.

12 **INMATE ABRON:** That is the agreement.
13 That's pending verification that you are going to
14 allow me to leave.

15 **PRESIDING COMMISSIONER BIGGERS:** No, no.
16 Okay. Let me just go back to the other one, now.
17 At the Saint Ephraim's House, it says, "will be
18 available to you while you seek employment and a
19 permanent residence."

20 **INMATE ABRON:** Yes, sir.

21 **PRESIDING COMMISSIONER BIGGERS:** Did they
22 mention how long they were going to allow you to
23 stay there?

24 **INMATE ABRON:** These two places work
25 together, and they will allow me to stay as long
26 as I have to.

27 **PRESIDING COMMISSIONER BIGGERS:** Well,

1 okay.

2 **INMATE ABRON:** These have been my
3 spiritual advisors through prison, and they also
4 provide me financing for my college education,
5 too.

6 **PRESIDING COMMISSIONER BIGGERS:** And for
7 that you find financial assistance?

8 **INMATE ABRON:** Yes, sir.

9 **PRESIDING COMMISSIONER BIGGERS:** Do you
10 have any proof of that?

11 **INMATE ABRON:** They will -- I started the
12 program in June, in Sacramento State. I haven't
13 -- the papers haven't come through. No, sir.

14 **PRESIDING COMMISSIONER BIGGERS:** Let me
15 just -- if you don't get a date today, let me
16 just clarify something for you. Normally when an
17 inmate comes before a Panel, they will have
18 letters to indicate that they have a place of
19 employment, they have a -- they have a place for
20 you to stay --

21 **INMATE ABRON:** Yes.

22 **PRESIDING COMMISSIONER BIGGERS:** -- upon
23 release.

24 **INMATE ABRON:** Yes.

25 **PRESIDING COMMISSIONER BIGGERS:** They
26 don't say things, that they are going to provide
27 every possible support to you. They don't write

1 letters, and handwritten letters saying that will
2 be available to you while you seek employment and
3 a permanent residence. That infers that you are
4 going to be able to stay with this one, Saint
5 Ephraim's House.

6 **INMATE ABRON:** Either one. Yes, sir.

7 **PRESIDING COMMISSIONER BIGGERS:** No, not
8 either one. Because if it was, then the Society
9 would have also said the same thing. So what
10 telling you is that when you get letters of
11 support for either a resident and/or job or
12 whatever, they need to specify that that's what
13 it's for.

14 **INMATE ABRON:** Okay.

15 **PRESIDING COMMISSIONER BIGGERS:** Not that
16 they are going to provide every possible support
17 for you. Yes, sir.

18 **ATTORNEY NORTON:** Commissioner, I
19 appreciate that. And I would note that again,
20 having acknowledged what you just said, there is
21 a letter from his brother, James Abron, which
22 specifically addresses --

23 **PRESIDING COMMISSIONER BIGGERS:** That's
24 entirely different. I'm only talking about those
25 two halfway houses that Deputy Commissioner
26 Harmon mentioned.

27 **INMATE ABRON:** I understand.

1 **PRESIDING COMMISSIONER BIGGERS:** Okay.

2 Thank you.

3 **ATTORNEY NORTON:** Thank you.

4 **PRESIDING COMMISSIONER BIGGERS:** Thank
5 you, Commissioner Harmon.

6 **DEPUTY COMMISSIONER HARMON:** That's fine.
7 The housing issue, there's nothing else at this
8 point that I want to go into. As far as
9 employment, James Abron Jr., your brother, talks
10 about offering you a job with his engineering
11 consulting firm located in Walnut Creek. And
12 you'd be an entry level inspector at the
13 Consortium Management Company,
14 C-O-N-S-O-R-T-I-U-M for the transcriber. And you
15 obviously have support in Michigan. I guess
16 that's where most of your family is, is that
17 right?

18 **INMATE ABRON:** Yes, all my family are
19 back there now.

20 **DEPUTY COMMISSIONER HARMON:** And we
21 talked about Lynette's letter. And then we have
22 -- you and the commissioner briefly touched about
23 the Markunas Society.

24 **INMATE ABRON:** Yes.

25 **DEPUTY COMMISSIONER HARMON:**
26 M-A-R-K-U-N-A-S, Society, on Post Street in San
27 Francisco. And that's the one where -- "we have

1 continued to be willing to provide every possible
2 support to Kurt in his quest for rehabilitation."
3 In fact, the commissioner, when he brought that
4 up, I have it highlighted also, where I was going
5 to address that with you. And that is something
6 that needs to be clarified. So I just want to
7 make sure that you understand that.

8 **INMATE ABRON:** Yes, I do.

9 **DEPUTY COMMISSIONER HARMON:** Does that
10 pretty well cover your housing and employment
11 plans?

12 **INMATE ABRON:** Yes, it will. You didn't
13 talk about the employment, did you?

14 **DEPUTY COMMISSIONER HARMON:** About
15 employment, your brother.

16 **INMATE ABRON:** Okay. Okay. Okay.

17 **DEPUTY COMMISSIONER HARMON:** Yeah. Yeah.
18 I don't think there's anything else to go into at
19 this point with that. Now, the San Francisco
20 Sheet Metal Workers Union. That was one of my
21 questions.

22 **INMATE ABRON:** Yes.

23 **DEPUTY COMMISSIONER HARMON:** Are you
24 withdrawn from the union there? Do you have a
25 withdrawal card or something, or what?

26 **INMATE ABRON:** No, they invited me to
27 join the union, because I passed the

1 certifications in the air conditioner/
2 refrigeration trade. I had a federal
3 certification, so they invited me to join the
4 union. I can join the union, but I have to
5 physically be outside of this place to join it.

6 **DEPUTY COMMISSIONER HARMON:** Do you need
7 some type of certificate of completion or
8 something to give to them?

9 **INMATE ABRON:** Yes, I have that. I have
10 that. Yes, sir.

11 **DEPUTY COMMISSIONER HARMON:** You have
12 that. Okay.

13 **INMATE ABRON:** That's what I sent to
14 them. That's why they sent me the letter saying
15 I can join. I sent in my completion from Avenal,
16 and my certification.

17 **DEPUTY COMMISSIONER HARMON:** Okay. Okay.
18 The record should also reflect that the
19 appropriate 3042 Penal Code notices have been
20 sent out to the various agencies and individuals
21 in your particular case. We have a
22 representative here today from the city of San --
23 or the city and county of San Francisco --

24 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Yes.

25 **DEPUTY COMMISSIONER HARMON:** -- that will
26 be addressing parole suitability. I don't have
27 any other letters on file. I don't have anything

1 that came in late. I don't -- I don't have
2 anything else at this point to carry on. Is
3 there any other parole plans that you want to
4 bring forward at this point?

5 **INMATE ABRON:** No, that was basically it.

6 **ATTORNEY NORTON:** Actually, if I may,
7 while we are on the subject of parole plans,
8 including in the Board packet. There is a
9 one-page parole outlook which -- Mr. Abron, days
10 one through five. Thank you. You have
11 acknowledged that you have read that.

12 **DEPUTY COMMISSIONER HARMON:** Oh, yeah.
13 Uh-huh. I think Life Skills Program and things
14 like that go into it in that.

15 **ATTORNEY NORTON:** And that he will visit
16 the Parolee Employment Program.

17 **DEPUTY COMMISSIONER HARMON:** Uh-huh.

18 **ATTORNEY NORTON:** PEP program. Thank
19 you.

20 **DEPUTY COMMISSIONER HARMON:** Thank you.
21 I'll return to the chair. Thank you.

22 **PRESIDING COMMISSIONER BIGGERS:** Thank
23 you very much, Deputy Commissioner Harmon. At
24 this point I'm going to ask the district attorney
25 from San Francisco to -- if she has any questions
26 for the inmate.

27 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Yes.

1 If you could please ask the inmate, he just
2 indicated that he had never hit his wife before,
3 before this incident. This was the first time he
4 hit her. And I'm wondering, just to clarify
5 that, if you could ask him whether he ever used
6 violence against her.

7 **INMATE ABRON:** Well, to answer that
8 question, I've never, I've never struck my wife
9 with my hand. No, I haven't. We have had many
10 heated arguments, verbally.

11 **PRESIDING COMMISSIONER BIGGERS:** You said
12 you never hit her.

13 **INMATE ABRON:** Never hit her.

14 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Okay.
15 During the commission of the crime itself, the
16 life crime, the telephone lines had been cut in
17 the house, and there was a box cutter. Can you
18 ask him whether he recalls doing that.

19 **INMATE ABRON:** On that day the lines were
20 snatched out the wall by her. They weren't cut,
21 they were snatched out the wall. One cord was
22 broke out the wall, snatched out the wall.

23 **DEPUTY DISTRICT ATTORNEY TREVISAN:** How
24 many times had he been arrested for domestic
25 violence?

26 **INMATE ABRON:** Just once.

27 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Was

1 he aware of any other police reports indicating
2 domestic violence?

3 **INMATE ABRON:** No.

4 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Was
5 he aware of an incident that happened in 1989 in
6 Oakland, where his wife made a report of domestic
7 violence against him?

8 **INMATE ABRON:** Yes, I am. My wife made a
9 report that something happened to her. But once
10 again --

11 **PRESIDING COMMISSIONER BIGGERS:** Did it
12 involve you, sir?

13 **INMATE ABRON:** I was at the house, yes.

14 **PRESIDING COMMISSIONER BIGGERS:** Did it
15 involve you, sir?

16 **INMATE ABRON:** Yes. But I wasn't
17 arrested or charged with anything, no. No.

18 **PRESIDING COMMISSIONER BIGGERS:** But
19 there was a report filed, is when the question
20 was.

21 **INMATE ABRON:** I found out there was a
22 report filed at my 2004 hearing, so --

23 **PRESIDING COMMISSIONER BIGGERS:** So in
24 other words, when you said that you only had one
25 report, and you knew about it in 2004, that's not
26 exactly true.

27 **INMATE ABRON:** That -- well, excuse me.

1 Excuse me.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 So there was one in '89.

4 **INMATE ABRON:** She did -- I found out
5 that she did file some kind of report on me in
6 1989, yes.

7 **PRESIDING COMMISSIONER BIGGERS:** So you
8 had two.

9 **INMATE ABRON:** Yes, sir.

10 **PRESIDING COMMISSIONER BIGGERS:** Okay.
11 Just clarifying the record, sir.

12 **INMATE ABRON:** Yes.

13 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Do
14 you know whether she filed a report when she had
15 accused you of breaking her arm three months
16 prior to this incident?

17 **INMATE ABRON:** No, she didn't accuse me
18 of breaking her arm prior to this incident.

19 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Could
20 you ask him whether he is aware that his -- she
21 did tell his mother -- her mother and friends
22 that he was responsible for breaking her arm.

23 **INMATE ABRON:** Well, I have heard that in
24 the trial testimony. Yes, sir. And the other
25 girl came and testified that it was indeed not
26 me.

27 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Just

1 to clarify the cocaine use. He indicated that he
2 hadn't used it prior except for a couple days
3 prior to this incident. But when in years was
4 the time -- or the time period where he had the
5 extreme cocaine addiction?

6 **INMATE ABRON:** I probably began around
7 early 1990, and it went into 1993, extensively.

8 **PRESIDING COMMISSIONER BIGGERS:** So your
9 answer is 1990 to 1993?

10 **INMATE ABRON:** Of '90 to '93. Yes, sir.

11 **DEPUTY DISTRICT ATTORNEY TREVISAN:** While
12 he has been in custody, has he sought any
13 treatment for domestic violence?

14 **INMATE ABRON:** Yes, I have. I have taken
15 at least five programs for domestic violence.

16 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Can
17 you clarify what those programs are and their
18 duration?

19 **INMATE ABRON:** The first one, the first
20 program I ever took at Mule Creek, Life Plan for
21 Recovery. Life Without a Crutch was a domestic
22 violence program.

23 **ATTORNEY NORTON:** If I may -- I'm sorry.
24 The Life Plan for Recovery was October 19th,
25 1998.

26 **INMATE ABRON:** Yes. That's the first.

27 **ATTORNEY NORTON:** Life Without a Crutch,

1 January 26, 2000.

2 **INMATE ABRON:** This Creative Conflict
3 Resolutions on April 25th, 2002, is a domestic
4 violence.

5 **PRESIDING COMMISSIONER BIGGERS:** That's
6 also Anger Management, isn't it?

7 **INMATE ABRON:** Yes, sir. And followed by
8 the Anger Management Program on July 13th, 2003.
9 I have taken various other programs --

10 **PRESIDING COMMISSIONER BIGGERS:** We will
11 get into that, sir.

12 **INMATE ABRON:** The Crimanon series,
13 dealing with domestic violence.

14 **DEPUTY DISTRICT ATTORNEY TREVISAN:** In
15 the life crime, did he -- where did the one
16 strike that he -- to her face occur? What room
17 of the apartment?

18 **INMATE ABRON:** What room?

19 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Yeah.

20 **INMATE ABRON:** Everything happened in our
21 bedroom.

22 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Did
23 you ever see her after she was injured in the
24 hallway or any of the other rooms?

25 **INMATE ABRON:** No. I was told that
26 something happened, that it was blood in the
27 bathroom, which connects to our bedroom. So

1 evidently she got up and went in the bathroom.

2 **DEPUTY DISTRICT ATTORNEY TREVISAN:** When
3 he left her, did he leave her on the floor or on
4 the bed?

5 **INMATE ABRON:** I left her on the bed, on
6 the side of the bed, sitting of the side of the
7 bed.

8 **PRESIDING COMMISSIONER BIGGERS:** Sitting
9 on the side of the bed?

10 **INMATE ABRON:** Sitting on the side of the
11 bed, holding an ice pack on her face.

12 **DEPUTY DISTRICT ATTORNEY TREVISAN:** She
13 was conscious.

14 **INMATE ABRON:** Yes.

15 **DEPUTY DISTRICT ATTORNEY TREVISAN:** I
16 don't have any other questions.

17 **PRESIDING COMMISSIONER BIGGERS:** Okay.
18 Thank you, ma'am.

19 **DEPUTY COMMISSIONER HARMON:** Excuse me,
20 Commissioner. Can I ask a question at this
21 point?

22 **PRESIDING COMMISSIONER BIGGERS:** Sure.

23 **DEPUTY COMMISSIONER HARMON:** Since this
24 was submitted late, you know, just prior to the
25 hearing, I've had a chance to review this
26 document. I just have a question here that I'd
27 like to ask you. I notice that you have

1 emphasized a lot of areas by highlighting with a
2 yellow pen.

3 **INMATE ABRON:** Yes, sir.

4 **DEPUTY COMMISSIONER HARMON:** And what it
5 does, when I review this material, it indicates
6 to me that you feel very strongly that there's a
7 lot of mitigation in this crime.

8 **INMATE ABRON:** Well, I just wanted you to
9 really -- neither one of you were at my previous
10 hearing, so I wanted to point out some things to
11 get you a better understanding of how I felt,
12 that my condition that day.

13 **DEPUTY COMMISSIONER HARMON:** I understand
14 that. But the areas that you've highlighted
15 indicates to me that you're not taking or
16 assuming responsibility for this crime.

17 **INMATE ABRON:** No, sir. I accept full
18 responsibility for the crime. It's the method
19 and the way it's been written that it happened.

20 **DEPUTY COMMISSIONER HARMON:** Well, I'll
21 review it during our deliberations. But it's
22 real clear to me that the areas that you've
23 emphasized yourself indicate to me that there
24 were memory gaps, that there's medical
25 conditions, that there's a number of different
26 reasons here -- we are talking amnesia, we are
27 talking about an EEG that was done, and an MRI,

1 the fact that it was a sharp force, like a knife.

2 **INMATE ABRON:** Not like a knife. It says
3 "not like a knife."

4 **DEPUTY COMMISSIONER HARMON:** In other
5 words, it is not a sharp force like a knife.

6 **INMATE ABRON:** Yeah. It wasn't a knife.
7 Yes, sir.

8 **DEPUTY COMMISSIONER HARMON:** Yeah. So
9 anyway, I mean, it goes on and on. I'll
10 deliberate, but I'm trying to get your -- you
11 talked to the commissioner earlier today about
12 the crime; and now that I review all your
13 documents here -- I've had an opportunity during
14 the hearing to review this -- it just appears to
15 me that you don't take full responsibility for
16 this crime.

17 **INMATE ABRON:** No, sir. I take full
18 responsibility for it. I just don't agree with
19 the way the record is written.

20 **DEPUTY COMMISSIONER HARMON:** Okay. I'll
21 return to the chair. Thank you.

22 **PRESIDING COMMISSIONER BIGGERS:** Thank
23 you very much. Now at this point I'm going to
24 ask your attorney, Mr. Norton, does he have any
25 questions for you.

26 **ATTORNEY NORTON:** I do have a few. Thank
27 you, Commissioner. Mr. Abron, you had an

1 opportunity to review the February 2004 decision
2 transcript from your first hearing; is that
3 correct?

4 **INMATE ABRON:** Yes, sir.

5 **ATTORNEY NORTON:** And Commissioner Lawin,
6 do you remember what she said, one of the first
7 things she said?

8 **INMATE ABRON:** Lawin. Lawin.

9 **ATTORNEY NORTON:** Lawin. I'm sorry.

10 **INMATE ABRON:** No problem.

11 **ATTORNEY NORTON:** She basically said she
12 did not believe you; is that correct?

13 **INMATE ABRON:** She didn't believe a word
14 I said. Yes, sir.

15 **ATTORNEY NORTON:** Okay. And is that the
16 reason you submitted these documents today, was
17 specifically to answer her concerns at the last
18 hearing?

19 **INMATE ABRON:** Yes, it is. Because I
20 didn't have those documents at that hearing.

21 **ATTORNEY NORTON:** Correct. Would you
22 agree that your marriage to your wife was a
23 highly conflicted relationship?

24 **INMATE ABRON:** The second part of it.
25 Yes, sir.

26 **ATTORNEY NORTON:** The second part meaning
27 years seven through ten?

1 **INMATE ABRON:** Yes, sir.

2 **ATTORNEY NORTON:** Okay. And what steps
3 have you taken since this incident to prevent
4 another high-conflict relationship like that
5 existing?

6 **INMATE ABRON:** Basically --

7 **ATTORNEY NORTON:** Take your time.

8 **INMATE ABRON:** I promised myself that I
9 would never involve myself in the drugs that was
10 the core of this whole problem. I've never been
11 in trouble before, and I have based all my
12 thinking back to when I started using these
13 drugs. I have made promises to myself, to my
14 parents. Because no one can realize, why did I
15 do this? It was out of the ordinary. So it had
16 to be something else that was going on in my
17 life. At that time I don't know what was going
18 on with my marriage. But it seemed like it was
19 strained; so I got into these drugs to try to
20 come closer to her, and it just didn't happen. I
21 would never try to attach myself to anyone for
22 any reason ever again, no matter who it is. My
23 wife used to come back and tell me to leave all
24 the time, at one and two o' clock in the morning,
25 and I wouldn't leave. But now if anyone would
26 ask me to leave, I would run away, no matter what
27 time it is.

1 **ATTORNEY NORTON:** Okay. Well, Dr. Rouse
2 had specific concern that your risk of
3 dangerousness in the wider society would be
4 unpredictable, especially as it relates to
5 'involvement in intimate relationships.' You
6 read that, correct?

7 **INMATE ABRON:** Yes, sir.

8 **ATTORNEY NORTON:** And what does that mean
9 to you?

10 **INMATE ABRON:** It -- it sounds to me that
11 he's saying I could be involved in another
12 relationship. I don't understand that.

13 **ATTORNEY NORTON:** Okay. Well, do you
14 think that his -- it seems to me he acknowledges
15 that you didn't have any prior criminal history
16 other than the domestic violence, correct?

17 **INMATE ABRON:** Yes, sir.

18 **ATTORNEY NORTON:** Okay. And that your
19 problem -- and that you did serve eight years
20 honorably in the military; is that correct?

21 **INMATE ABRON:** Yes, sir. I did.

22 **ATTORNEY NORTON:** Okay. So would it be
23 safe to say that but -- except for your
24 relationship with your wife, you functioned
25 within society and had normal relationships with
26 other people.

27 **INMATE ABRON:** My entire life. Yes, sir.

1 **ATTORNEY NORTON:** Okay. So my question
2 is, what have you done specifically to address
3 the problem of repeating another relationship
4 that you had with your wife?

5 **INMATE ABRON:** Well, I would like really
6 highly -- I would look into the next person very
7 deeply before I would get involved with them.
8 But I would first look into myself. Is it the
9 right thing for me. I'm not really interested in
10 any relationships right now. I'm really ashamed
11 of all this right now, and I have obligation to
12 do other things now. I wouldn't want to get
13 involved right now.

14 **ATTORNEY NORTON:** Okay. Thank you. And
15 you mentioned too that you started using drugs
16 about seven years into your marriage. And what
17 was the reason you started using the drugs?

18 **INMATE ABRON:** Well, our marriage was
19 strained a little bit. And my wife was dibbling
20 and dabbling in drugs. I don't want to blame
21 anything on her. But I did that as a way to get
22 closer to her.

23 **ATTORNEY NORTON:** And do you recognize
24 now that that was a grave error on your part to
25 do that?

26 **INMATE ABRON:** Yes, sir. Yes, I do.

27 **ATTORNEY NORTON:** Thank you. And during

1 the instant commitment offense, how many times
2 did you physically hit your wife?

3 **INMATE ABRON:** I struck my wife one time
4 on her lower left jaw.

5 **ATTORNEY NORTON:** Okay. And prior to
6 that, had she struck you with anything?

7 **INMATE ABRON:** Yes, she did.

8 **ATTORNEY NORTON:** What did she strike you
9 with?

10 **INMATE ABRON:** Probably five seconds
11 before then, my wife struck me on the top of my
12 head with a very heavy antique phone.

13 **ATTORNEY NORTON:** And do you still have a
14 scar on your head to this day from that?

15 **INMATE ABRON:** Yes, I do. It's a
16 two-inch scar.

17 **ATTORNEY NORTON:** And you've -- that's --
18 you've always told that version of that story,;
19 is that correct?

20 **INMATE ABRON:** Yes, sir. That's what
21 happened.

22 **ATTORNEY NORTON:** And that is the truth?

23 **INMATE ABRON:** Yes, sir.

24 **ATTORNEY NORTON:** And had you hit your
25 wife more than one time, would you -- would you
26 have any reason to deny that?

27 **INMATE ABRON:** No, I wouldn't. At this

1 time I would gladly tell the Panel, the district
2 attorney, that I did strike her more than once.
3 But that didn't happen.

4 **ATTORNEY NORTON:** So you've been totally
5 truthful and honest with the Panel here today.

6 **INMATE ABRON:** Yes, sir.

7 **ATTORNEY NORTON:** Thank you. I have no
8 further questions.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.
10 I'm sort of confused. You used drugs as a way to
11 get closer to your wife that had been abusive to
12 you? Is that what I'm hearing?

13 **INMATE ABRON:** Yes, sir. That's what
14 drugs do to you.

15 **PRESIDING COMMISSIONER BIGGERS:** Wait a
16 minute, now. Prior to that time, prior to you
17 getting involved in drugs, in that seven-year
18 history, had your wife been physically or
19 mentally abusive to you?

20 **INMATE ABRON:** Yes, she was.

21 **PRESIDING COMMISSIONER BIGGERS:** Okay.
22 And then you decided -- and why do you think she
23 was that way to you?

24 **INMATE ABRON:** I guess because I stayed
25 and let her do that. I allowed her to do that.
26 Yes, sir.

27 **PRESIDING COMMISSIONER BIGGERS:** Okay.

1 So then -- was she on drugs the whole time, those
2 seven years that you were talking about?

3 **INMATE ABRON:** Well, she diddled and
4 daddled in it. Yes, sir.

5 **PRESIDING COMMISSIONER BIGGERS:** Diddled
6 and daddled. Well, that can mean a little bit,
7 mediocre or whatever. How much?

8 **INMATE ABRON:** I would think a little bit
9 -- I would think a little bit.

10 **PRESIDING COMMISSIONER BIGGERS:** And you
11 were not doing drugs at all at that time.

12 **INMATE ABRON:** No, I was in the military.
13 I was subject to the test.

14 **PRESIDING COMMISSIONER BIGGERS:** I
15 understand -- I understand what that means when
16 you say it. I'm just asking you a question. You
17 were not involved with that.

18 **INMATE ABRON:** No.

19 **PRESIDING COMMISSIONER BIGGERS:** But you
20 knew that she was.

21 **INMATE ABRON:** Yes, sir.

22 **PRESIDING COMMISSIONER BIGGERS:** Because
23 one of your stories that I read here was the fact
24 that you were upset with her because she asked
25 for money. Is that right?

26 **INMATE ABRON:** On that day. Yes, sir.

27 **PRESIDING COMMISSIONER BIGGERS:** On that

1 day. And that's what you think -- and you didn't
2 want to give her any money?

3 **INMATE ABRON:** No I wasn't, sir.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay.
5 Although you were both involved with drugs during
6 that time.

7 **INMATE ABRON:** Prior to -- prior to that,
8 but not on that day. No, sir, not on that week.
9 No.

10 **PRESIDING COMMISSIONER BIGGERS:** Two days
11 before you said you had taken.

12 **INMATE ABRON:** Two days before that day
13 she didn't never come home, so that was -- my
14 friend stopped by and brought some drugs by.

15 **PRESIDING COMMISSIONER BIGGERS:** And you
16 took drugs that day. You didn't have to pay for
17 them?

18 **INMATE ABRON:** No.

19 **PRESIDING COMMISSIONER BIGGERS:** Okay.
20 All right. At this point I'm going to ask --
21 before I ask the district attorney if they are
22 going to close, may I ask Deputy Commissioner
23 Harmon, does he have any follow up questions.

24 **DEPUTY COMMISSIONER HARMON:** Nothing
25 further.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay.
27 I'm going to ask the district attorney to please

1 close at this time, please.

2 **DEPUTY DISTRICT ATTORNEY TREVISAN:** Thank
3 you. Your Honor -- Commissioner, the district
4 attorney's office is very concerned based on the
5 nature of the crime specifically. I'm mostly
6 going to address my comments to that. From what
7 I've read in this file and what we have heard
8 today, I think there's a serious lack of insight
9 on behalf of the prisoner into his cause of this
10 horrific death. One punch is not at all
11 consistent with the evidence in this case.
12 There's blood shown throughout the house. There
13 is a knife wound to her head. There's a bloody
14 knife in the bathroom. The photographs that I
15 believe are a part of the file indicate severe,
16 multiple blunt force traumas. It just not
17 consistent with what he's saying. He is also
18 denying a history of domestic abuse, where
19 there's clear evidence that prior to his own
20 admitted beginning of drug use in 1990, prior to
21 that there's a history of domestic violence, and
22 that he was -- a report was made with respect to
23 a domestic violence incident that occurred in
24 Oakland. That was in 1989, predating the drug
25 use, if any. There's also the report that three
26 months prior to this, as reported to friends and
27 family members, the victim reported that the

1 defendant in fact did break her arm. And I
2 understand that he is denying that now. But the
3 family understood it. It was brought up at the
4 time of his trial. Her mother confronted him at
5 one point about it, and still brought him home.
6 And that's in the transcript of what she said at
7 the sentencing hearing. When she was addressing
8 the court at Mr. Abron's sentencing, she reminded
9 him of the time when they got back from the
10 hospital after he had broken her daughter's arm,
11 and how she told him at that time, 'don't hurt
12 her again.' And he said that he wouldn't. I
13 would also note that in the coroner's report --
14 also contradicts it in that the coroner's report
15 also indicates multiple police reports, that were
16 part of the San Francisco medical examiner's
17 records, of domestic violence. So we have not
18 only a minimization of the actual force used and
19 what happened on this life crime, but a complete
20 denial of a history of abusing this woman. And
21 without accepting responsibility and
22 understanding the nature of the crime, especially
23 the nature of domestic violence, I can't say that
24 there's been any progress whatsoever that would
25 prevent this man from being a serious threat to
26 any further intimate partners or even a casual
27 dating relationship. There's a clear lack of

1 insight and a clear minimization of the
2 seriousness of this offense. He's repeatedly
3 said he had no criminal behavior. He only hit
4 her one time. This is the only time. And blames
5 her an awful lot. In all of the statements that
6 are written, it's always she did something first.
7 She caused him to take drugs. She caused him to
8 get angry. She was cheating on him. She caused
9 him to hit her. And that is complete denial of
10 his responsibility. In the report it does also
11 indicate -- I just wanted to correct that -- that
12 the inspector noted that the phone lines had been
13 cut. And I think that would be particularly of
14 note in this case when looking at the underlying
15 facts of this case. Because she had just been
16 talking to a friend saying that she was telling
17 him to leave, and that she was going to leave,
18 and she'd call her in ten minutes. Immediately
19 after that is when this occurred. And the phone
20 lines had been cut. And there is a box cutter
21 found in that room. And that's indicated in the
22 documents, especially the inspector's. The
23 friend of the family also, Ms. Gaut, G-A-U-T,
24 indicates a history of domestic violence, which
25 is completely denied by this gentleman. I
26 understand that there were no letters from the
27 family in this hearing. They previously had

1 submitted letters. The family members also did
2 talk at the sentencing hearing, and I think their
3 letters and the transcript is part of the file.
4 So I won't -- I'm sure you've read that. But
5 they were very adamant, and this has caused them
6 a great deal of harm. With respect to his
7 programming while in custody, I'm not really
8 going to address that, except that I think that
9 there's a lack of serious consideration of
10 domestic violence and anger management
11 counseling. I understand that he's taken a
12 couple classes that might touch on that. But
13 something really intensive that has to do with
14 the history of domestic violence, in order to
15 gain some insight as to what his long history of
16 abusing this woman has led to this event. And
17 without that there's no possible way that he
18 wouldn't in the future be a serious threat to
19 another person. The letter from the gentleman's
20 brother indicating that he would be willing to
21 give him a job and home for his parole plans is
22 concerning to me, because it indicates that he
23 believes that the prisoner no longer is in
24 denial. And I just don't think that the records
25 show that. I don't know if he's talking
26 differently when he is talking to his family; but
27 in what is presented here, he is clearly in

1 denial, both about his drug use, abuse, and
2 domestic violence. I think that's all I wanted
3 to address at this time.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay.
5 Thank you very much. Mr. Norton?

6 **ATTORNEY NORTON:** Yes. Thank you. A
7 couple of things to -- kind of preliminary
8 comments. First of all, I disagree with the
9 district attorney's statement that there was a
10 knife wound to the head. I don't see it. I
11 absolutely do not see it in the record. I have
12 looked at the autopsy report. There is testimony
13 from the medical examiner, that again is in the
14 documents we presented today, and I'll just
15 briefly read it. It says, "in other words, is
16 not a sharp force like a knife. It is not a
17 bullet, and it is not fire. It is just force.
18 So all the injuries that are present about this
19 lady are blunt force trauma." Again, direct
20 testimony from the medical examiner. Again, I
21 know we always hear, 'we are not here to retry
22 the case,' okay? And I get the feel that that's
23 what we are doing. But I also understand the
24 Panel's concern that every inmate who comes
25 before them accepts responsibility for their
26 crime. And when I spoke with Mr. Abron about
27 this case, and he presented these documents to

1 me, I expressed that concern to him. But I also
2 have to honor his rights and his desires to
3 address this Panel. Because the last Panel had
4 serious doubts as to his credibility. There's no
5 question. I mean, we have all read the
6 transcript. And there's just serious credibility
7 issues, for that Panel at least. I believe that
8 Mr. Abron is not in denial. I believe this was a
9 highly volatile relationship. There's no
10 question about it. It's uncontroverted that
11 there was drug use by both their parts. I don't
12 believe that he has testified today that she
13 caused him to do this. I think he -- contrary to
14 what's been said today, I think he shows
15 significant insight into the causative factors of
16 what led him to the drug use. Again, it was a
17 way of trying to establish intimacy with his
18 wife. After seven years, the marriage was
19 starting to grow apart. Now, what's significant
20 is, we don't see any record of domestic violence
21 prior to this time, about 1990, when the drug use
22 did start. I mean, it is void of that. I don't
23 see any convictions prior to that time. As far
24 as arrest reports, I didn't see an arrest report
25 from Oakland. But I'll have to defer to counsel
26 on that. So I think rather than being --
27 minimizing his involvement, I think Mr. Abron has

1 shown significant insight into the causative
2 factors. Again, not blaming his wife for what
3 happened. But it is -- there is no question, and
4 there's medical records from Mr. Abron, who was
5 hospitalized, I believe for up to two months
6 after his arrest because of the organophosphate
7 poisoning. And again, he didn't submit these
8 records to the Panel today to try to mitigate or
9 minimize his role, but to explain what he -- at
10 his initial hearing three years ago, what he
11 talked about. His version of what happened. And
12 I appreciate the Commissioner's -- at first
13 glance it maybe looks like that's what he's
14 doing. But again, this was for clarification.
15 Because his version has not changed. It has
16 remained constant from the psych report of 2004
17 to the psych report of this year by Dr. Rouse, as
18 well as his version in the probation officer's
19 report. Again, he has no reason to lie. He has
20 done the time. He's been incarcerated now for
21 13, 14 years. There's absolutely no reason for
22 him to continue to lie. The other thing I think
23 that's significant -- there were no enhancements
24 charged in this case. This was a second-degree
25 murder. There was no enhancement for a weapon,
26 there was no enhancement for domestic violence
27 and/or torture, which is certainly within the

1 discretion of the district attorney to charge at
2 the time of the charging. None of that is
3 evident, or is evident in this case. I think
4 that Mr. Abron has -- and I agree with Dr.
5 Rouse's comments -- that he has made the most
6 appropriate adjustments, that he expressed
7 genuine sense of remorse and seemed rather
8 contrite in relation to the effect his behavior
9 had on his wife and his marriage. I agree with
10 that. I think we saw that demonstrated today. I
11 would also note that Mr. Abron's GAF score from
12 his 2004 psych exam to the 2007 rose 20 points,
13 from a 70 to a 90. And I think that is certainly
14 reflective of his education and the significant
15 self help that he has engaged in over the last
16 three years. Dr. Rouse goes on to further state
17 that "Mr. Abron expresses what appears, again, to
18 be an appropriate amount of remorse and
19 contriteness." But then he does give the -- it's
20 interesting to me. He says:

21 "At least in the opinion of this
22 examiner, have limited insight and
23 understanding into the causative
24 factors that precipitated the
25 degree of rage and violence that he
26 committed upon his wife. And that
27 as a result, there's a high

1 reasonable probability that his
2 risk in the institution is low, but
3 relatively unpredictable in wider
4 society, especially as it relates
5 to his involvement in intimate
6 relationships."

7 And again, that's -- I think that's a legitimate
8 concern that the doctor expresses here. And
9 Mr. Abron has testified today that he has no
10 interest in becoming involved in an intimate
11 relationship. And it's pretty clear, again, from
12 his societal history, he has no prior assaultive
13 behavior, no criminal history of assaultive
14 behavior. He has stable relationships, but for
15 this one marriage -- which again, for seven years
16 appeared to be fairly stable. And again, was in
17 an intimate relationship, and one in which he
18 tried, albeit very very poor judgment on his
19 part, to try to re-engage or re-ignite that
20 intimacy with his wife. So I understand the
21 doctor's concern about intimate relationships.
22 But I also think Mr. Abron has taken the
23 significant programs -- Anger Management, life
24 skills courses -- to deal with that. And I think
25 that he -- and again, he has no absolutely no
26 115's while incarcerated. None for violence,
27 none for -- so clearly he can obey the rules

1 within the institution. And I have no -- again,
2 formerly in the military. I have no doubt that
3 those gains can be maintained and realized in the
4 wider society. He certainly has upgraded
5 vocationally, with office services as well as the
6 other vocations that he claims to have in
7 refrigerating and heating from Avenal, landscape
8 horticulture, and shoe repair. He continues to
9 upgrade educationally with Coastline Community
10 College. He is 15 units short of another
11 associates of arts degree. The other thing I
12 wanted to talk about his insight is, you know, he
13 didn't call 911. And he testified today that he
14 was more concerned about himself than his wife.
15 However, I think it is significant that he did --
16 and again, at least apply her ice packs to put
17 about her wounds on her face. And again, this
18 crime was, I believe, a result of a significant
19 amount of strife -- excuse me, stress in his life
20 at the time of the commitment offense. Just
21 prior to this, he was involved in a serious burn
22 of his -- about 40 percent of his body. There is
23 evidence that he was -- well, not evidence. It's
24 uncontroverted by the court in the sentencing
25 that he was suffering from organophosphate
26 poisoning. And again, this went on for a couple
27 months, even after his arrest, being hospitalized

1 with such. I believe he has participated
2 significantly in AA and NA and worked the steps.
3 He did make a list of amends. He has sought to
4 reach out to the family through the appropriate
5 channels to express his remorse for the taking of
6 their family member. He has adequate parole
7 plans. He has a solid housing offer from his
8 brother, as well as a job offer, and there is
9 also great deliberation and well-thought-out
10 plans that he has put into days one through five
11 upon his release. I think he is to be commended
12 for the fact that he has really put some thought
13 and some effort into his parole plans. So what
14 we are left with, what the Panel is left with, is
15 the legal standard. Would Mr. Abron's release to
16 the community present an unreasonable risk of
17 danger to society or a threat to public safety?
18 Based upon his record while incarcerated -- and
19 again, the fact that he had, his prior -- no
20 juvenile record of assaulting others, significant
21 stable history -- I believe that there is no
22 evidence to support that his release to the wider
23 community would present an unreasonable risk of
24 danger to society or a threat to public safety,
25 and I believe that he should be due consideration
26 today for parole. With that I will submit.
27 Thank you.

1 **PRESIDING COMMISSIONER BIGGERS:** Thank
2 you. Now Mr. Abron, you have the right, the
3 opportunity, to give us a statement as to why you
4 feel you are suitable for parole, or you can rely
5 on what your attorney said, sir.

6 **INMATE ABRON:** I'd like to make a
7 statement.

8 **PRESIDING COMMISSIONER BIGGERS:** You can
9 make a statement. A statement why you feel you
10 are suitable for parole, not to retry the case.

11 **INMATE ABRON:** Yes. I want to start off
12 by saying I am truly sorry for this crime and all
13 the pain and suffering that I caused her family
14 as well as my own. I am thankful that I have
15 been able to make amends to my family, and I only
16 wish that I could do the same for her family.
17 There is not a day that goes by that I don't
18 think about DeLisa and this tragedy that I
19 caused. And I only wish I could have been more
20 creative than violent in stopping this crime. I
21 have matured over the last 13 years in dealing
22 with my feelings, and learning about humility has
23 been a great character builder for me. However,
24 the question that is before us today is, would I
25 pose an unreasonable risk of danger to society,
26 or would I be a threat to public safety if I am
27 released from prison. My gains have been ongoing

1 and continuous since I have arrived in CDCR.
2 Both my psychologist's and counselor's report
3 agree that I am sincerely remorseful. My
4 violence potential in my assessment of
5 dangerousness if released into the community was
6 rated lower previously, even though I have
7 benefited from over 14 self-help programs since
8 my last hearing in 2004. Because of my age, I
9 have also been assessed as a lower risk to
10 re-offend, with a prognosis that I would do very
11 well on parole. I have remained disciplinary
12 free, and my behavior has continued to improve
13 daily through the knowledge obtained through the
14 various self-help programs that I have been
15 involved with. These self-help groups have
16 enhanced my mental well being by obtaining over
17 1300 hours of group therapy sessions that I have
18 greatly benefited from. I am very proud of my
19 vocational and educational gains; and in June,
20 after obtaining my associates degree, I will be
21 40 units shy of obtaining my bachelor's degree,
22 which I will begin in late June at Sacramento
23 State University. If released, I have immediate
24 educational opportunities at Sacramento State, as
25 well as Project Rebound at San Francisco State
26 University, to help me continue my degree goals.
27 I have numerous employment opportunities through

1 our family business, county water treatment
2 facilities, sheet metal workers union, or at the
3 local refineries. In conclusion, I would like
4 this Panel to know that I indeed complied with
5 the Board of Prison Terms recommendations for my
6 2004 hearing, seeking more self help and
7 obtaining more -- both insight into the crime and
8 myself. I want to assure this Panel and know in
9 my heart that I would do very well on parole, and
10 once again become a productive member of this
11 community. I would like to thank this Panel for
12 any considerations you may afford me today. And
13 God bless you, and DeLisa's family as well.
14 Thank you for your time.

15 **PRESIDING COMMISSIONER BIGGERS:** We will
16 go into deliberations at this point. Thank you.

17 **R E C E S S**

18 **--oOo--**

K

103

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 PRESIDING COMMISSIONER BIGGERS: Okay.

4 Thank you, sir. In the matter of Mr. Kurt Abron,
5 A-B-R-O-N, CDC number K-82005, the panel has
6 reviewed all the information received from the
7 public and relied on the following circumstances
8 in concluding that the prisoner is not suitable
9 for parole and would pose an unreasonable risk of
10 danger to society or threat to public safety if
11 released from prison at this time. The first
12 thing the Panel looked at, sir, was the
13 commitment offense itself. This offense was
14 carried out in an especially brutal and vicious
15 manner. Specifically, you murdered your wife,
16 Ms. Delia -- is that DeLisa?

17 INMATE ABRON: DeLisa.

18 PRESIDING COMMISSIONER BIGGERS: DeLisa
19 Abron, age 37, during what appeared to be an
20 altercation that took place in your home on the
21 night in question, which was June the 7th, 1994.
22 The offense also was carried out in a manner
23 which demonstrated exceptionally callous
24 disregard for human suffering, in that the
25 records reflect that the victim showed
26 indications of multiple blunt trauma injuries,
27 KURT ABRON K-82005 DECISION PAGE 1 4/19/2007

1 which included black eyes, contusions, and
2 bleeding. The motive for this crime was very
3 trivial, in that from your own testimony, it
4 appeared that you were angry at the fact that
5 your wife had been unfaithful to you, and that
6 when you went over there to see her, some guy
7 knocked on the door or whatever, and that caused
8 you to become very angry. And again, that was
9 your testimony here today.

10 **INMATE ABRON:** That was from the prior
11 incident.

12 **PRESIDING COMMISSIONER BIGGERS:** These
13 conclusions are drawn from the statement of facts
14 from the probation officer's report, where it
15 said, according to the police report, on June the
16 7th, 1994, at 3:30 p.m., the officers went over
17 at the request of a Ms. Ruth Roberson, where she
18 indicated that he had found her tenant DeLisa's
19 bloody body in the home that you two had shared.
20 The victim's body was badly misshaped.

21 Ms. Roberson told the officers that the victim
22 did have a violent relationship with the inmate,
23 and that they were often involved in fights and
24 things were broken. Both resided at the
25 residence. And she also indicated that -- well,
26 the officers, when they found the victim, they

1 discovered -- the body was found in the bedroom.
2 The bathroom and the hallway, there was blood.
3 The victim's head and face was covered in dry
4 blood and was blotted with ready pack ice packs
5 that were room temperature when the officers
6 arrived. The victim's face revealed multiple
7 blunt trauma injuries where she had black eyes,
8 confusions [sic], and bleeding. The medical
9 examiner determined that the victim died from
10 massive blunt trauma injuries to her face and
11 head. We note that you did have an escalating
12 pattern of criminal conduct, in that you were --
13 you had two previous records of domestic
14 violence, that you did have a tumultuous
15 relationship with the victim. The records
16 reflected that there were -- from witnesses that
17 you all had had some altercations prior to that
18 time. And also that you failed to -- you failed
19 previous grants of probation, which indicated
20 that you failed to profit from society's previous
21 attempts to correct your criminality, because you
22 were on probation for that one domestic violence
23 arrest. You have programmed exceptionally well.
24 I won't say exceptionally, but you have
25 programmed fairly well. You've -- we were not
26 able to find some information that we needed; but
27 **KURT ABRON K-82005 DECISION PAGE 3 4/19/2007**

1 we went back to the previous Panel, and they did
2 have the fact that you were -- you did have
3 vocations in shoe repair and also in air
4 conditioning and heating. But we did find one
5 that's in office services, related technology.
6 But it goes back to show you -- and before going
7 any further, I told you before we even got
8 started that you need to review your central
9 file.

10 **INMATE ABRON:** Yes, sir.

11 **PRESIDING COMMISSIONER BIGGERS:** If you
12 have those completions in -- with you, you need
13 to sit down with your counselor to make sure that
14 those vocations, completions, are in fact in your
15 C file.

16 **INMATE ABRON:** Okay.

17 **PRESIDING COMMISSIONER BIGGERS:** Because
18 Deputy Commissioner Harmon went back a second
19 time and could not find them. We also want to --
20 you are moving, like I said, pretty well -- very
21 well in vocations. You also are upgrading
22 yourself educationally, in that you are attending
23 Coastline College. And you are working towards a
24 second AA degree. You have participated in quite
25 a bit of self help since your last hearing.

26 There was some Crimanon courses, Beat the Street

1 recovery/rehab. AA and NA, from January to
2 December of 2006. Anger Management and Ethics
3 Decisions are those that I am -- that I have
4 noticed that are not part of the Crimanon system,
5 if you would. You've only had nine 128(a)
6 chronos, the last one being January 23rd of '04.
7 And also, no serious 115's. The psychological
8 evaluation dated February the 13th, 2007 by Dr.
9 Rouse, John T. Rouse, R-O-U-S-E, was not totally
10 supportive of release, in that he felt that you
11 would be unpredictable in the wider society. And
12 I want to read that verbatim from his report. He
13 indicated that: "He expressed what appeared to
14 this examiner to be an appropriate amount of
15 remorse and contriteness for the life crime, but
16 seemed, at least in the opinion of this examiner,
17 to have some limited insight and understanding of
18 the causative factors that precipitated the
19 degree of rage and violence that he committed
20 upon his wife." And that's in the January --
21 February 13, 2007 report. "As a result of that,
22 there's a high reasonable probability that the
23 inmate's risk of dangerousness in this
24 institutional setting is low, but is relatively
25 unpredictable in the wider society." In other
26 words, sir, from what I read is a little bit
27 **KURT ABRON K-82005 DECISION PAGE 5 4/19/2007**

1 different from what your attorney read. And that
2 is that you need to really look and find out why
3 you went to that extremes with this crime. That
4 if you knew this was going on, and you in fact
5 went back and you said you started using drugs
6 and all that to try to salvage the relationship.
7 What made do you that? And when you found out
8 that it was still going on, why didn't you just
9 leave? And that if you get involved with anyone
10 else -- and you're saying, 'well, I don't have
11 any desire to do that, meet with any
12 relationship.' You're 51 years old, sir. You're
13 not dead. So therefore, there are going to be
14 some situations where you may eventually have a
15 relationship with someone.

16 **INMATE ABRON:** Sure.

17 **PRESIDING COMMISSIONER BIGGERS:** And if
18 that happens, you need to know what the causative
19 factors are, so that you won't -- when you are
20 released, then this will not occur again. On
21 your parole plans, they are adequate. But I
22 think you need to firm them up a little bit. We
23 feel that you need to firm them up. You have got
24 a viable place to live with your brother. You
25 talked about those halfway houses that you wanted
26 to go to. But again, they were not succinct. In

1 other words, they were basically, we will let you
2 do -- one of them said, you know, 'we will give
3 them all the support that he can.' If it looked
4 better -- you would look better on this side of
5 the table when you say that, 'we have a bed for
6 him, it's going to be here for six months, three
7 months, two months,' et cetera. Not just, 'we
8 will do support for him.'

9 **INMATE ABRON:** Okay.

10 **PRESIDING COMMISSIONER BIGGERS:** The same
11 thing holds true -- now, your brother is going to
12 give you a job as an inspector assistant. Well,
13 you need to demonstrate to the Panel that you
14 have what it takes to do the job that they are
15 offering you. Not just, he is going to give you
16 a job and do this as entry level. What is going
17 to be your requirement? So that it won't be as
18 if somebody is just writing a letter to us
19 saying--

20 **INMATE ABRON:** I understand.

21 **PRESIDING COMMISSIONER BIGGERS:** -- I'm
22 giving this guy a job. He will be doing this, he
23 has the ability to do this, based on his degrees
24 or whatever --

25 **INMATE ABRON:** Okay.

26 **PRESIDING COMMISSIONER BIGGERS:** -- would

27 **KURT ABRON K-82005 DECISION PAGE 7 4/19/2007**

1 be more appropriate.

2 **INMATE ABRON:** Thank you. Okay.

3 **PRESIDING COMMISSIONER BIGGERS:** On the
4 3042 responses, we noted that the district
5 attorney of San Francisco County indicated an
6 opposition to a finding of parole suitability.
7 We also want to point out to you, sir, that --
8 your story. There are some inconsistencies, and
9 that's why you need to go back and take a look at
10 the transcripts, the previous Panels. And we
11 definitely want to thank you for bringing this
12 package in for us, because it helped us quite a
13 bit. But I'd be a little careful as to what I
14 underlined and what I'm trying to emphasize.

15 **INMATE ABRON:** Yes.

16 **PRESIDING COMMISSIONER BIGGERS:** Because
17 when we went back and read this -- and I have to
18 agree with Deputy Commissioner Harmon -- you were
19 pointing to things that you wanted to draw your
20 attention to, which may have been in your
21 eyesight what you thought that the Panel was
22 talking about before. But everything that we
23 went back there and saw, it was mitigating
24 circumstances as to, 'hey, this didn't happen the
25 way it was written.' What we have to deal with
26 is what the court said happened. And if you

1 didn't appeal it, and if the appellate decision
2 -- or if it's not an appellate decision, we go
3 with the facts that we have here in your jacket.

4 **INMATE ABRON:** Yes.

5 **PRESIDING COMMISSIONER BIGGERS:** So when
6 you turn something like that in, just say 'okay,
7 this is what transpired. This shows my remorse,'
8 et cetera, et cetera. But don't try to draw our
9 attention to just some of the things that make
10 you look better than what you did when it comes
11 to the crime. Because you already have been
12 convicted of that.

13 **INMATE ABRON:** Yes.

14 **PRESIDING COMMISSIONER BIGGERS:** Okay.
15 Nevertheless, the Panel wants to commend you for
16 being disciplinary free. No 115's. When I say
17 'disciplinary free,' no 115's since your entire
18 incarceration. You do have nine 128's, however.
19 That you -- and for the numerous Crimanon courses
20 that you have taken, to include Handling Drugs,
21 Successful Parenting course, Addictive Behavior,
22 Communications Tools, and AA and NA. Also for
23 your good work reports that you received, and
24 also for upgrading yourself educationally,
25 because we tend to think that's very important.
26 However, these positive aspects of your behavior
27 **KURT ABRON K-82005 DECISION PAGE 9 4/19/2007**

1 do not outweigh the factors of unsuitability. In
2 a separate decision, your hearing Panel found
3 that it's not reasonable to expect that parole
4 will be granted at a hearing within the following
5 two years. First and foremost, you committed
6 this offense in an especially cruel manner.
7 Specifically, you murdered your wife, Ms. DeLisa
8 Abron, on 6/7/94, after what appeared to be a
9 long-term physically abusive relationship. The
10 offense itself was carried out in a manner which
11 demonstrated an exceptionally callous disregard
12 for human suffering, in that after the attack,
13 that you agreed that took place, you left the
14 area by just putting those red [sic] packs and
15 leaving that for her without going to the extent
16 to find out what her injuries were. And you left
17 her there, and you went and got in your car and
18 you left the area. Your psychological report, as
19 I mentioned previously, February 13th, 2007,
20 indicated to this Panel that -- when he said that
21 your assessment of dangerousness is unpredictable
22 at this time in the wider society, it's an
23 indication to this Panel that a longer period of
24 observation and/or evaluation is required before
25 any Board can find you suitable for parole.
26 Before I get into some recommendations, Deputy
27 **KURT ABRON K-82005 DECISION PAGE 10 4/19/2007**

1 Commissioner Harmon?

2 **DEPUTY COMMISSIONER HARMON:** I think you
3 have covered it pretty well. I'll return to the
4 chair.

5 **PRESIDING COMMISSIONER BIGGERS:** All
6 right. The Panel is going to recommend, sir,
7 that you remain disciplinary free.

8 **INMATE ABRON:** Yes.

9 **PRESIDING COMMISSIONER BIGGERS:** And that
10 includes no 128's. That you continue to upgrade
11 yourself both educationally -- if you have all of
12 those vocations that you said that you have, make
13 sure that they get into your file.

14 **INMATE ABRON:** Okay.

15 **PRESIDING COMMISSIONER BIGGERS:** Because
16 I'm not going to sit up here -- we are not going
17 to sit up here and tell you to upgrade yourself
18 vocationally --

19 **INMATE ABRON:** Okay.

20 **PRESIDING COMMISSIONER BIGGERS:** -- when
21 you have those.

22 **INMATE ABRON:** Yes.

23 **PRESIDING COMMISSIONER BIGGERS:** But take
24 advantage of anything that comes available to
25 you. Continue to participate in self help, and I
26 want to wish you luck. Because you are moving in

114

1 a positive direction.

2 INMATE ABRON: Thank you.

3 PRESIDING COMMISSIONER BIGGERS: That
4 concludes the hearing. The time now is 11:35.

5 A D J O U R N M E N T

6 --oOo--

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23 PAROLE DENIED TWO YEARS

24 THIS DECISION WILL BE FINAL ON: AUG 18 2007

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT
26 DATE, THE DECISION IS MODIFIED.

27 KURT ABRON K-82005 DECISION PAGE 12 4/19/2007

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, ROBERT DEVON BELL, a duly designated transcriber, NORTHERN CALIFORNIA COURT REPORTERS, do hereby declare and certify under penalty of perjury that I have transcribed one audio recording which covers a total of pages numbered 1 - 114, and which recording was duly recorded at CALIFORNIA STATE PRISON, SOLANO, VACAVILLE, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF KURT ABRON, CDC NO. K-82005, ON APRIL 19, 2007, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned audio recording to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated June 17, 2007, at Davis, California.

A handwritten signature in black ink, appearing to read 'R. Bell', is written over the signature line.

ROBERT DEVON BELL TRANSCRIBER
NORTHERN CALIFORNIA COURT REPORTERS